



# **OASIS COMMUNITY LEARNING FREEDOM OF INFORMATION POLICY AND GUIDANCE ON PUBLICATION SCHEME**

**NOVEMBER 2018  
NEXT REVIEW DATE: SEPTEMBER 2019**

**Changes History**

Version	Date	Amended by	Recipients	Purpose
V4	August 2018	Norma Downer-Powell	Sarah Otto	Initial drafts for review
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**Approvals**

This document requires the following approvals.

Name	Position	Date Approved	Version
John Barneby	COO, OCL	08/01/2019	V7

**Position with the Unions**

Does the policy require consultation with the National Unions under our recognition agreement?

- Yes
- No

If yes, the policy status is:

- Consulted and Approved
- Consulted and Not Approved
- Awaiting Consultation

**Distribution**

This document has been distributed to:

Name	Position	Date	Version

## THIS POLICY WITHIN THE OASIS ETHOS

Everything within Oasis Community Learning starts and ends with our Ethos; we are committed to fostering:

- A passion to include everyone
- A desire to treat everyone equally, respecting differences
- A commitment to healthy and open relationships
- A deep sense of hope that things can change and be transformed
- A sense of perseverance to keep going for the long haul

Through this policy, OCL aims to ensure that it meets its statutory obligations and follows best practice when responding to requests for information under the Freedom of Information Act 2000 (FOIA), whoever it may be from.

When responding to a Freedom of Information request, we aim to:

- Facilitate a full and proper collation and response to FOI requests. We are committed to working within the remit of the Law.
- Address all the points at issue and provide an efficient and prompt response, as per the FOIA guidance.
- Respect the requester's desire for confidentiality, and comply with all requests within the legal remit.
- Treat both the requester and the request with respect, by adhering to the legal timeframe and keeping them informed if we need to negotiate timescales.
- Be impartial, professional and non-adversarial.
- Keep requesters informed of the progress of the FOI process.
- Consider how an FOI request may feed into how we conduct our business, with openness and transparency.

This approach is underpinned by the Oasis Ethos, 9 habits and the Oasis story. The way in which we handle your FOI is a great opportunity for us to remember again that we have a responsibility to ensure that we treat people with respect, openness and care. This desire is borne out of two of our five ethos values – our commitment to treat people equally, respecting differences and our commitment to healthy and open relationships.

To create and maintain healthy, open relationships and to ensure we remain committed to treating people equally, we seek to intentionally focus on being patient, honest, humble and forgiving. For instance, in the process of discussing your FOI we will need to behave humbly and honestly, particularly if we need to recognise that we have not necessarily got something right. Equally, it is our intention that being forgiving will form a central part of the way in which we listen to, discuss and deal with your request together.

In light of this, we strive to ensure that our handling of your request is a mark of the importance that we put on honouring and respecting those people that we serve. The policy set out below is designed to help us in this task.

We try to respond to your request within the legal timeframe and if we can't, we will negotiate what is reasonable and acceptable to you. Where this is not possible, we will stay within the legal time-frame.

To support this, we have published this policy to ensure that we make it available on our national and Academy websites.

***Norma Downer-Powell, Head of Governance Services, November 2018***

*Prepared by Norma Downer-Powell, National*

*Head of Governance Services (HoGS), Oasis Community Learning, August 2018*



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## **1. Freedom of Information (FOI) requests**

- 1.1. Any request for recorded information from Oasis Community Learning (OCL) or our individual Academies is technically a request under the FOI Act, whether or not the individual making the request mentions the FOI Act. 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. All FOI requests must be referred in the first instance to the Oasis National Office, National Head of Governance Services (HoGS) via email, who may allocate another individual to deal with the request. This must be done promptly, and in any event, within 2 -3 working days of receiving the request.
- 1.3. Once informed, the HoGS will advise the Academy on how to proceed with collating the information requested, and/or responding to the requester. If the request is straightforward/ simple and the information is available, then the Academy will be advised to release the information, but must ensure that this is done within the timescale set out below (para 2.1). A copy of the request and response should then be sent to the HoGS via email. Contact details can be found in Section 5.
- 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 we need to carefully consider when releasing access to recorded information by OCL Academies that is deemed to be “confidential” or “restricted”.

## **2. Time limit for compliance with FOI requests**

- 2.1. OCL must respond to all FOIs as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For Oasis Academies, when calculating the 20 working day deadline, a “working day” is a school day (one in which pupils are in attendance). Where a response time falls over a school holiday, the FOI *may* be subject to a 60 day deadline (normal working days, *not* school days). Please liaise with the HoGS if you believe a school holiday would necessitate a 60 day response deadline (please note, however, this would be unlikely).

## **3. Procedure for dealing with a FOI request**

- 3.1. As above, when any request is received, it should be referred in the first instance to the OCL HoGS, who may re-allocate the request to an individual with responsibility for the type of information requested, or will simply advise on the response and time-scales required, including whether any charges are applicable.
- 3.2. The first stage in responding is to determine whether or not OCL and/or the individual academy “holds” the information being requested. Oasis Academies *do* hold information if it exists in electronic format, and *may* hold information if it exists in paper format. Some requests will require OCL to take information from various sources and or manipulate the data in some way. However, we are not obliged to create information in response to a FOI request as the FOI Act only covers held information.

Where this would take minimal effort, OCL or the academy 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 format requested, and offered the opportunity to refine their request. For example, if a request required the Academy to add up totals in a spreadsheet and release the total figures, this would be information “held” by OCL Academies. If OCL Academies would have to go through a number of spread sheets and identify individual figures and provide a total, this is likely to not be information “held” by the academy, depending on the time involved in extracting the required information.

The classes of information that are available include:

- Who we are and what we do – Organisational information, prospectus, locations and contacts, constitutional and legal governance, instrument of government.
- What we spend and how we spend it – Financial information about income and expenditure, financial audit, funding agreements, procurement, tendering and contracts (current and previous two years as a minimum, which is the usual request.)
- What our priorities are and how we are addressing them – Strategies and plans, performance indicators, audits, inspections etc., some of which may be subject to commercial sensitivity.
- How we make decisions – Decision making processes and records of decisions, internal criteria and procedures.
- Our policies and procedures – Current written protocols, policies and procedures for delivering our services and responsibilities.
- Lists and Registers – Information held in updated maintained lists, required by law and other lists and registers relating to the functions of OCL Academies.
- The services we offer – advice and guidance, booklets and leaflets, transactions and media releases, are description of the services we provide.

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.

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 requests. Common exemptions that might apply include:

3.3.1 Section 40 (1) – the request forms part of the applicant’s personal data. This must be dealt with under the subject access regime in the GDPR, detailed in [Article 15](#).

3.3.2 Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the GDPR principles as set out in paragraph 4 of [Article 15](#).

3.3.3 Section 41 – information that has been sent to the Academy Trust (but not the Academy’s own information) which is confidential;

3.3.4 *Section 21 – information that is already publicly available, even if payment of a fee is required in order to access that information;*

3.3.5 *Section 22 – information that the Academy Trust intends to publish at a future date;*

- 3.3.6 *Section 43 – information that would prejudice the commercial interests of the Academy and / or a third party;*
  - 3.3.7 *Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);*
  - 3.3.8 *Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;*
  - 3.3.9 *Section 36 – information which, in the opinion of the Chair of Trustees of OCL (the qualified person), would prejudice the effective conduct of OCL. There is a special form for this on the ICO's website to assist with obtaining the Chair's opinion.*
  - 3.3.10 Section 12 - The cost, including time (calculated at £25 per hour), taken to respond to a request must not exceed £450. If costs exceed £450, we can charge the requester, should they wish to continue with their request (hours taken x cost per hour = amount to charge). Consideration must always be given to asking the requester to refine their request so that we can comply.
- 3.4. The sections mentioned in italics are qualified exemptions. This means that even if the exemption applies to the information, you also 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.
- 3.5. These considerations must always be carried out in conjunction with the CEO, COO, Press and Publicity. Other Officers of OCL may be involved depending on the nature of the request, e.g., People, Development, Property and Contracts, Finance etc.

#### **4. Responding to a FOI request**

- 4.1. When responding to a request where OCL has withheld some or all of the information, OCL 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 OCL, or by writing to the ICO. The ICO's details must be included.
- 4.3. They however, cannot expect a review from the ICO unless they have had an internal review conducted by OCL

#### **5. Contact**

- 5.1. Freedom of Information Requests can be submitted via email to the HoGS.
- 5.2. If anyone has any concerns, questions or complaints in relation to this policy or the Freedom of Information Publication Scheme contained within it, they should contact the HoGS via email.
- 5.3. If you require a paper version of any information set out in the FOI Publication Scheme, or want to ask whether information is available, please contact OCL using the details set out below. You can also visit [our website](#). To help us process requests in a timely manner, postal correspondence must be clearly addressed to the Head of Governance Services, using the below postal address.

#### **CONTACT – Head of Governance Services (HoGS):**

*Prepared by Norma Downer-Powell, National*

*Head of Governance Services (HoGS), Oasis Community Learning, August 2018*



**Email:** Norma.Downer-Powell@oasisuk.org

**Postal Address:** Norma Downer-Powell, Head of Governance Services, Oasis Community Learning, Interchurch House, 35-41 Lower Marsh, London, SE1 7RL

## **6. The Information Commissioners Office**

- 6.1 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 to the ICO then this should be addressed to:

**Postal Address:** Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5A,

**Telephone:** 0303 123 1113,

**Website:** [www.ico.org.uk](http://www.ico.org.uk)



## 7. Definitions

This section includes the definitions of terms used within this document.

**Academy Data:** This refers to all data residing within each academy. IT relates to both student and Academy Staff data. It includes data which is stored within the Oasis IT Services IT System.

**Confidential Data:** Confidential Data is information which is held by Oasis which does not relate to a living individual but that it may be damaging to Oasis if access was obtained to the data by someone who was not authorised to access it. An example of this would be financial information such as commercial contractual data.

**Data:** For the purposes of this document, Data is any information processed by Oasis. Oasis classifies data into the four categories; General Data, Confidential Data, Personal Data and Sensitive Data.

**Data Controller:** The organisation that is responsible for the Data. For the purposes of this policy Oasis Subsidiary or Legal Body is the Data Controller.

**Data Processing:** See Processing

**Data Subject:** Any natural person who is the subject of Personally Identifiable Information held by Oasis.

**Freedom of Information Act:** An Act that makes provision for the disclosure of recorded information

**General Data:** Data which Oasis holds that is neither personally identifiable nor sensitive. For example, records of the last time that a building was painted or the count of attendance at an Oasis event.

**Information Commissioner's Office:** The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

**Nationally Held Data:** This refers to all data that is held within National or Central systems relating to National Staff and National Oasis Operations. This includes data relating to Finance, HR, IT and National Procurement. This also includes all data for Governance, Planning, audits and risk.

**Oasis Entity:** Oasis Entities are business units that make up the Oasis family in the UK and are either part of Oasis Subsidiaries or subsidiaries in their own right. Oasis Entities include Oasis Academies, Oasis Community Learning National Services, Oasis Community Partnerships Hub Charities. Entities may be separate legal entities or part of a subsidiary that is the Legal Entity.

**Personal Data:** Data relating to a natural person who can be identified from that information or from that data and other information in possession of Oasis. This includes but is not limited to name, address, telephone number, id number. This also includes expression of opinion about the individual, and of the intentions of Oasis in respect of that individual. Information about IT usage including IP address should be considered as Personal Data.

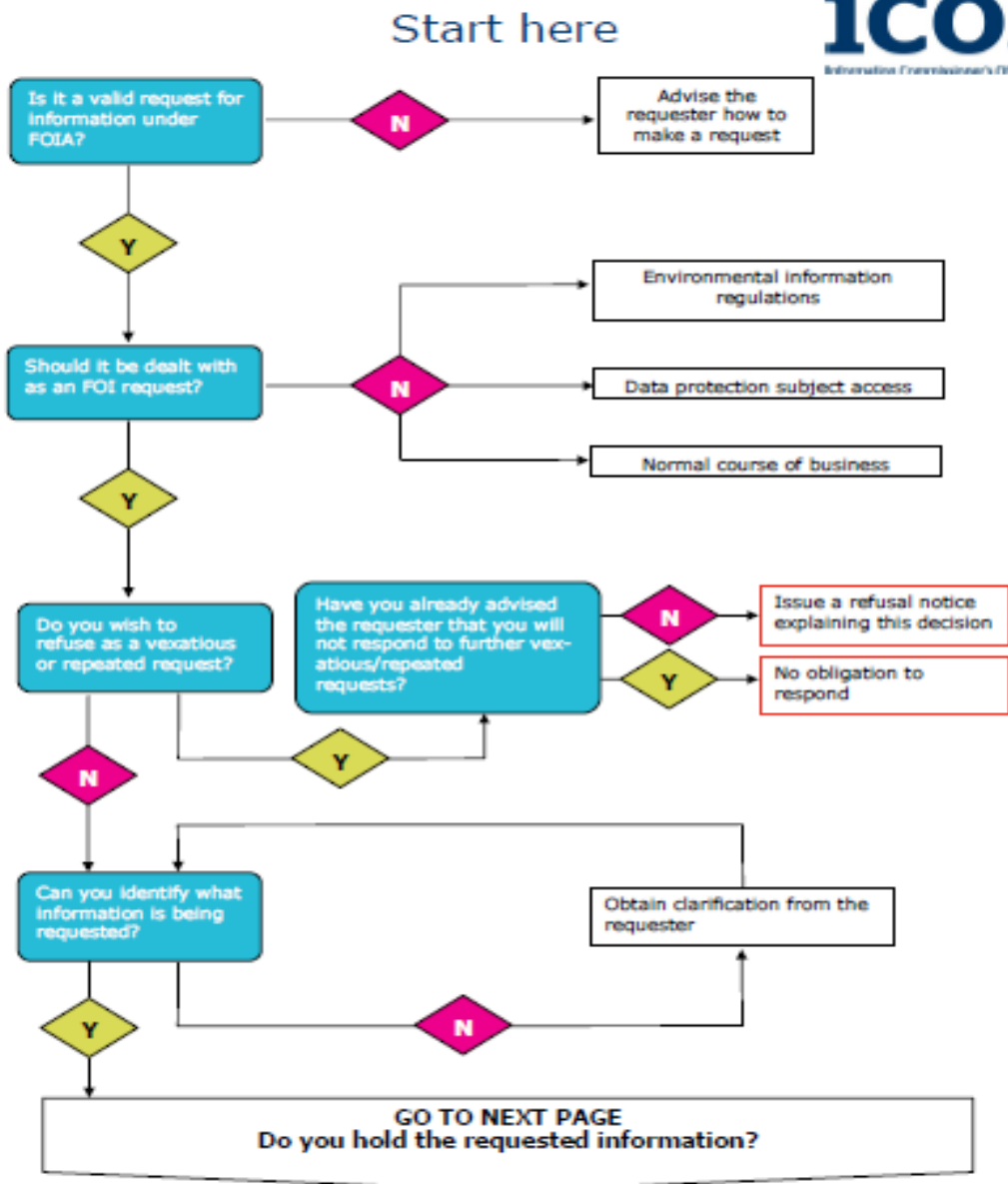
**Processing:** Any operation related to organisation, retrieval, disclosure and deletion of data and includes: Obtaining and recording data, Accessing, altering, adding to, merging, deleting data Retrieval, consultation or use of data Disclosure or otherwise making available of data.

**Relevant Filing System:** Any hard copy paper filing system or other manual filing system which is structured so that information about an individual is readily accessible. Personal data can be held in any format, electronic (including websites and emails), paper-based, photographic etc. from which the individual's information can be readily extracted.

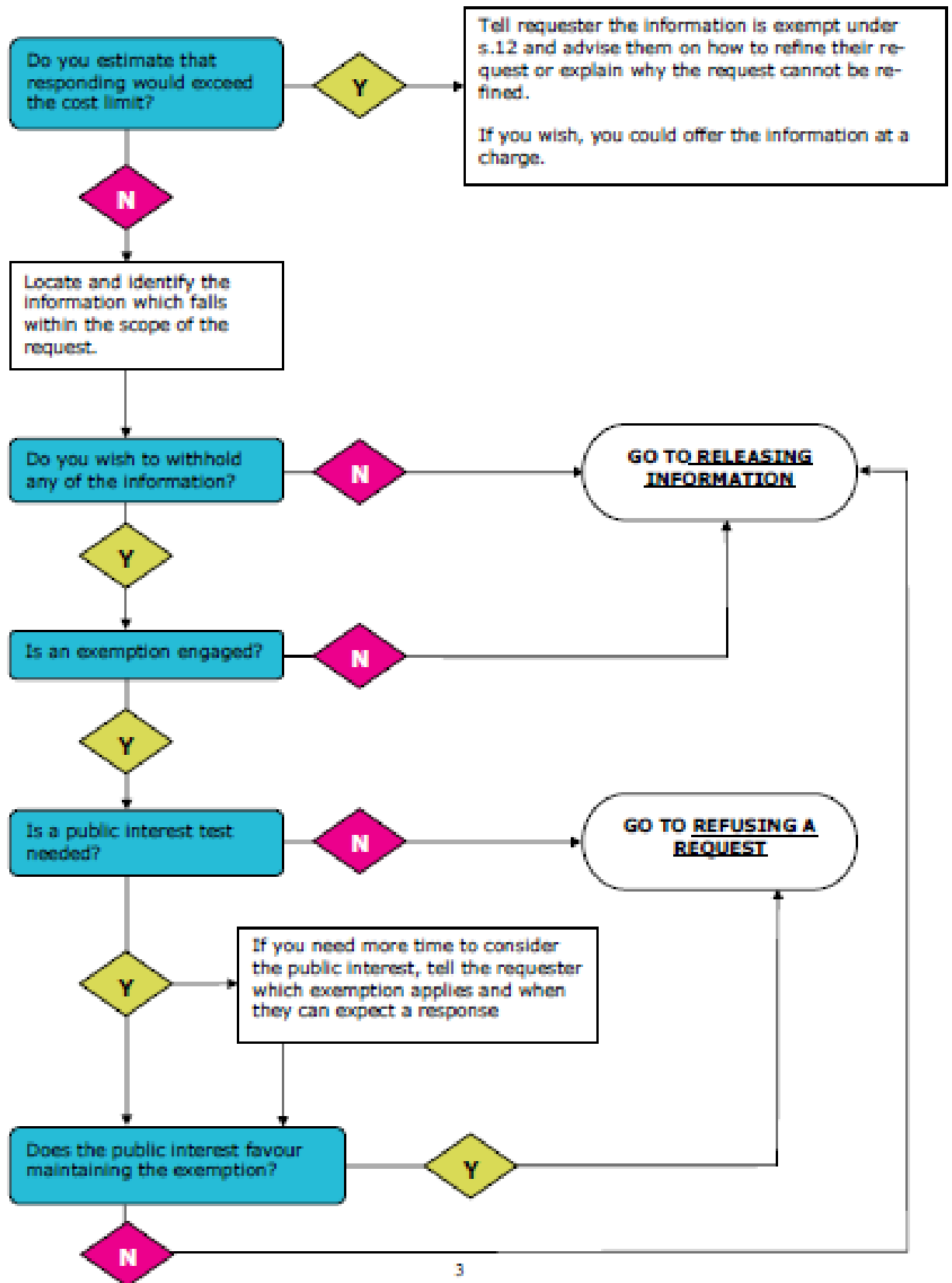
**Requester:** An applicant for information under the Freedom of Information Act

**Sensitive Data:** Different from ordinary personal data (such as name, address, telephone) and relates to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal convictions. OCL's handling of sensitive data is subject to much stricter conditions of processing.

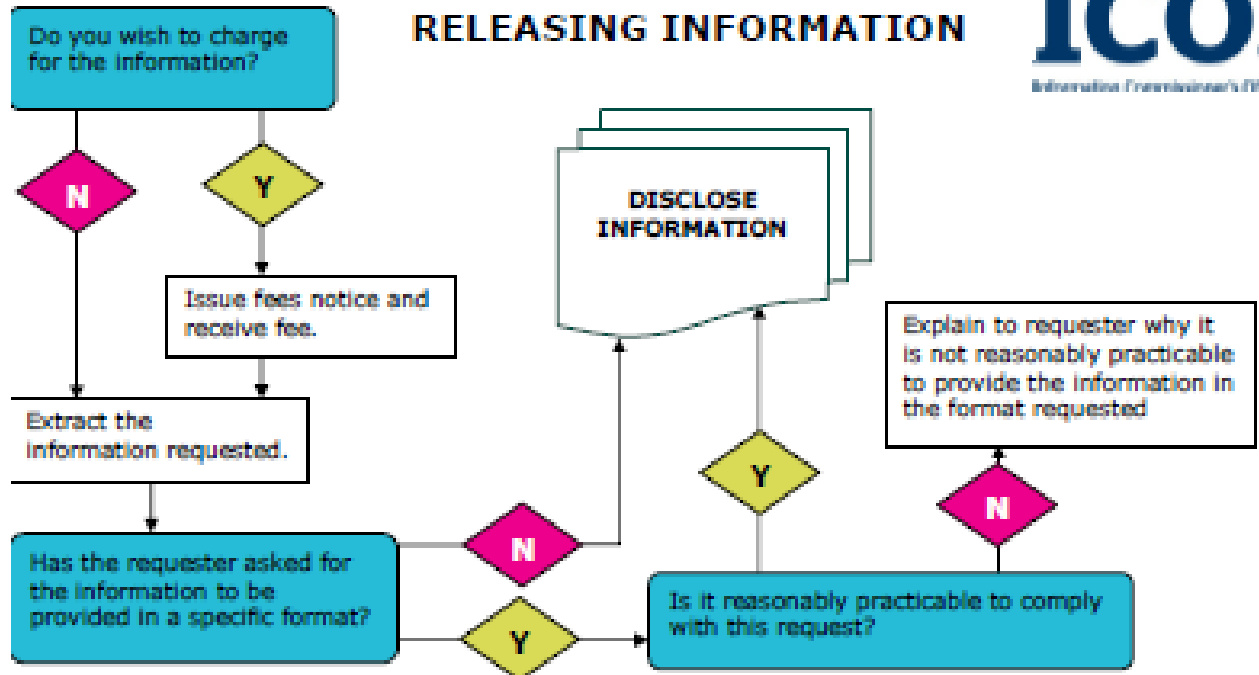
**Third Party:** Any individual/organisation other than the data subject, Oasis or its agents.



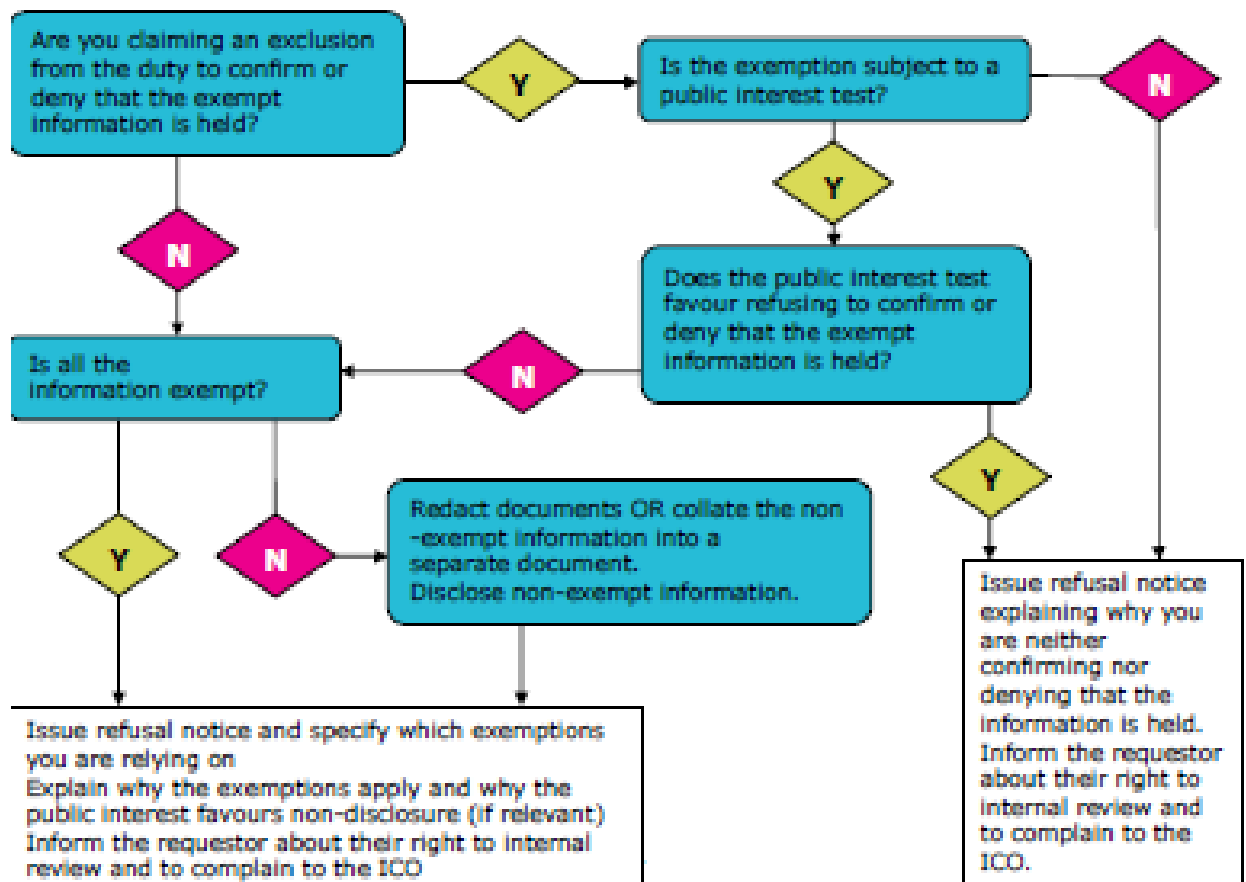




## RELEASING INFORMATION



## REFUSING A REQUEST



## Appendix 1 – Guide to information available under the Publication Scheme

Information to be published	How the information can be obtained (email / hard copy and/or website)	Cost
<b>CLASS 1 – WHO WE ARE AND WHAT WE DO</b>		
<b>Organisational information, structures, locations and contacts</b>		
This will be current information only		
Master Funding Agreement	<a href="http://www.oasiscommunitylearning.org/content/oasis-statutory-information">http://www.oasiscommunitylearning.org/content/oasis-statutory-information</a>	No charge
Articles of Association	<a href="http://www.oasiscommunitylearning.org/content/oasis-statutory-information">http://www.oasiscommunitylearning.org/content/oasis-statutory-information</a>	No charge
Oasis National Staffing Structure	Email / Hard copy	Schedule of charges
Oasis Board of Trustees	<a href="http://www.oasiscommunitylearning.org/content/governance-64">http://www.oasiscommunitylearning.org/content/governance-64</a>	No charge
Oasis Academies Key Personnel	See each Academy's individual website	No charge
Oasis Academies Lists of Academy Councillors	Email / Hard copy	Schedule of charges
Oasis Academies term dates and holidays	See each Academy's individual website	No charge
Oasis Academies Prospectuses	See each Academy's individual website	No charge
GCSE results	See each Academy's individual website	No charge
<b>CLASS 2 – WHAT WE SPEND AND HOW WE SPEND IT</b>		
<b>Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit</b>		
Current and previous 2 financial years		
Statutory accounts	<a href="http://www.oasiscommunitylearning.org/content/oasis-statutory-information">http://www.oasiscommunitylearning.org/content/oasis-statutory-information</a>	No charge



Value for money statement	<a href="http://www.oasiscommunitylearning.org/content/oasis-statutory-information">http://www.oasiscommunitylearning.org/content/oasis-statutory-information</a>	No charge
Procurements and contracts	Email / Hard copy	Schedule of charges
Pay Policy	Email / Hard copy	Schedule of charges
Purchasing And Tendering Policy	Email / Hard copy	Schedule of charges
Expenses Policy	Email / Hard copy	Schedule of charges
<b>CLASS 3 – WHAT OUR PRIORITIES ARE AND HOW WE ARE DOING</b> <b>Strategies and plans, performance indicators, audits, inspections and reviews</b> Current information		
Ofsted focused inspection outcome letter of Oasis Multi-Academy Trust	<a href="https://www.gov.uk/government/publications/focused-inspection-outcome-letter-of-oasis-multi-academy-trust">https://www.gov.uk/government/publications/focused-inspection-outcome-letter-of-oasis-multi-academy-trust</a>	No charge
Oasis Academies Ofsted Reports	Ofsted website: <a href="https://www.gov.uk/government/publications/focused-inspection-outcome-letter-of-oasis-multi-academy-trust">https://www.gov.uk/government/publications/focused-inspection-outcome-letter-of-oasis-multi-academy-trust</a>	No charge
Promoting Student Welfare And Child Protection Policy	Email / Hard copy	Schedule of charges
Academies opening soon	<a href="http://www.oasiscommunitylearning.org/content/opening-soon">http://www.oasiscommunitylearning.org/content/opening-soon</a>	No charge
Performance Tables and Results	<a href="http://www.education.gov.uk/schools/performance/">http://www.education.gov.uk/schools/performance/</a>	No charge
<b>CLASS 4 – HOW WE MAKE DECISIONS</b> <b>Decision making processes and records of decisions</b> Current and previous 3 years as a minimum		
Oasis Academies Admissions Policy	See each Academy's individual website	No charge

## CLASS 5 – OUR POLICIES AND PROCEDURES

**Current written protocols, policies and procedures for delivery our services and responsibilities**

Current information only

Charging And Remissions Policy	Email / Hard copy	Schedule of charges
Safeguarding	Email / Hard copy	Schedule of charges
Health And Safety Policy	Email / Hard copy	Schedule of charges
Parental Complaints Policy	Email / Hard copy	Schedule of charges
Staff Discipline Policy	Email / Hard copy	Schedule of charges
Grievance Procedure	Email / Hard copy	Schedule of charges
Pay Policy	Email / Hard copy	Schedule of charges
Oasis Group Data Sharing Protocol	Email / Hard copy	Schedule of charges
Primary Home-School Agreement	Email / Hard copy	Schedule of charges
Curriculum Policy	Email / Hard copy	Schedule of charges
Sex And Relationships Education Policy	Email / Hard copy	Schedule of charges
Special Educational Needs And Disability SEND Policy	Email / Hard copy	Schedule of charges
Disability Equality Policy	Email / Hard copy	Schedule of charges
Inclusion Policy	Email / Hard copy	Schedule of charges
Race Equality Policy	Email / Hard copy	Schedule of charges
Collective Worship Policy	Email / Hard copy	Schedule of charges
Behaviour for Learning Policy	Email / Hard copy	Schedule of charges
E-Safety Policy	Email / Hard copy	Schedule of charges
Oasis Security Policy Statement	Email / Hard copy	Schedule of charges





Oasis Group Data Protection Policy	Email / Hard copy	Schedule of charges
Equality And Diversity Policy	Email / Hard copy	Schedule of charges
Recruitment And Selection Policy	Email / Hard copy	Schedule of charges
<b>CLASS 6 – LISTS AND REGISTERS</b>		
Currently maintained lists and registers only		
Asset register	Email / Hard copy	Schedule of charges
Business Interest Register	<a href="http://www.oasiscommunitylearning.org/content/governance-structure">http://www.oasiscommunitylearning.org/content/governance-structure</a>	No charge
<b>CLASS 7 – THE SERVICES WE OFFER</b>		
<b>Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses</b>		
Current information only		
What we offer	<a href="http://www.oasiscommunitylearning.org/content/what-we-offer">http://www.oasiscommunitylearning.org/content/what-we-offer</a>	No charge
News and Newsletters	OCL website and individual Academy websites	No charge

## Appendix 2 – Sample Acknowledgement letter

Dear [Requester Name],

Thank you for your Freedom of Information request below.

We will respond to you within the stipulated time period. Please note that if the time period falls over a school holiday, the response period may be extended to 60 days.

If the costs of processing your request exceed the appropriate limit of £450 maximum calculated at £25 per hour, as detailed in the \*Act, we will advise you of the information we are able to provide within the limit.

If we need any clarifications in relation to your request, we will contact you.

Kind regards,

[Your name]

\*The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 SI No. 3244 (known as the Fees Regulations for brevity).

### Appendix 3 – Sample Seek Clarification letter

Dear [Requester Name],

Thank you for the Freedom of Information request you made to our Academies below.

When we began circulating this for the Academies to complete, we had a number of queries come back, therefore we are seeking clarification on your below questions please.

The Pupil Premium year runs as a financial year (April to March) as opposed to an academic year (Sept to August), so the pupils who are on Pupil Premium at the start of an academic year, may vary from the same pupils in that cohort in the middle or towards the end of the academic year. There is also the factor of pupils joining and leaving throughout the year.

The same to certain degree with SEN – SEN statuses can change throughout the year.

We recommend that the best way to achieve a reliable figure might be to say, “Please confirm what number .....on a certain date (i.e, the last day of the summer term 2016 (21st July 2016). This way there is no ambiguity.

**Please advise if you are happy for the questions to be reworded in this way. Please also indicate what date you would like the information for. Can you also confirm whether by ‘intake’ you mean those in Reception/ Year 7, or indeed all year groups in each Academy.**

Please note that the clock will stop on the response period until we hear back from you.

Many thanks,

[Your name]

## Appendix 4 – Sample Full response letter

Dear [Requester Name],

Thank you for your recent Freedom of Information request regarding [xxx]. Please note your reference is [insert reference, example Name/Date of Receipt].

Please see responses below.

If you have any queries about this response please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the way your request has been handled, you may make a complaint to OCL (Oasis Community Learning) by writing to me within two calendar months of the date of this letter/email.

Your complaint will be considered by an independent review panel, who were not involved in the original consideration of your request.

If you are not content with the outcome of your complaint to OCL, you may then contact the Information Commissioner's Office at:

*The Information Commissioner's Office*

*Wycliffe House*

*Water Lane*

*Wilmslow*

*Cheshire*

*SK9 5AF*

*Tel: 0303 123 1113*

*Website: [www.ico.gov.uk](http://www.ico.gov.uk)*

Many thanks,

[Your Name]