



Freedom of Information Act Publication Scheme

Meller Educational Trust

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Freedom of Information Act Publication Scheme

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1. Aim of the Publication Scheme

- 1.1 The Trust is committed to the Freedom of Information Act 2000, which came into force on 1st January 2005 and which includes Academies by the Academies Act 2010, with effect from 1st January 2011. The Trust is committed to the principles of accountability and the general right of access to information, subject to legal exemptions.
- 1.2 Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by the Trust. They are entitled to be told whether the Trust holds the information, and to receive a copy, subject to certain exemptions.
- 1.3 In order to comply with the requirements of the Act, the Trust has adopted the Model Publication Scheme as approved by the Information Commissioner's Office ([Appendix 1](#) and link below.)

<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

- 1.4. The publication scheme covers the Trust's commitment on the following points:
 - To proactively publish, or otherwise make available as a matter of routine, information which is held by the Trust and falls within the classifications below
 - To specify the information that is held by the 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 academy 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.
- 1.3 All information in the Publication Scheme is available in paper form.

2. Categories of information published

- 2.1 The Publication Scheme is a guide to the information which is currently published (or has recently been published) or which we will publish in the future. This information is available on the website www.mellereducationaltrust.org and is categorised in [Appendix 1](#).
- 2.2 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. This includes information protected by the Data Protection Act¹.
 - 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.

¹ This reference should be read to include the General Data Protection Regulations from 25 May 2018, when they come into force.

3. Requests for information

- 3.1 Information that is not published under the scheme can be requested by e-mail or letter. All requests will be considered in accordance with the provisions of the Freedom of Information Act.
- 3.2 Contact details: David Hughes, email: david.hughes@mellereducationaltrust.org. Telephone 020 8950 9502. Postal address: Meller Educational Trust, c/o The Bushey Academy, London Road, Bushey, Hertfordshire WD23 3AA.
- 3.3 Please make the subject of your request "**Publication Scheme Request**".

4. How we will deal with a FOIA request for information

- 4.1 If the request relates to a single academy, the responsibility lies with the Principal of that academy.
- 4.2 If the request relates to multiple academies within the Trust, the responsibility for co-ordinating the request lies with the Chief Executive Officer (CEO). The Principals of each academy involved in the request will be required to provide information to the CEO.

5. Charges

- 5.1 Information published on the Trust's website is free. Single copies of information covered by this publication are provided free unless stated otherwise. However, there may be a charge if the request:
 - Requires a lot of printing or photocopying
 - Incurs a large postage charge
 - Requires a priced item e.g. some printed publication or video.
- 5.2 In such instances, you will be notified in advance.

6. Feedback and Complaints

- 6.1 We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to the Company Secretary, Meller Educational Trust, c/o The Bushey Academy, London Road, Bushey, Hertfordshire WD23 3AA.
- 6.2 If you are not satisfied with the assistance that you receive and want to make a formal complaint, this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act and deals with formal complaints. They can be contacted at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow, Cheshire SK9 5AF
Enquiry Information Line: 01625 545700
Email: publications@ic-foi.demon.co.uk
Website: www.ico.gov.uk

Appendix 1: Publication Scheme

Freedom of Information Act

This publication scheme has been prepared and approved by the Information Commissioner. It has been adopted by the Trust without modification.

This publication scheme commits an authority (the 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 authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority 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 authority 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 authority that has been requested, and any updated versions it holds, unless the authority 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 public authority 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

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.

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

The authority 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 a public authority, 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, a public authority 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 an authority 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 authority 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 public authority.

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 a public authority 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.

Appendix 2: FREEDOM OF INFORMATION

GUIDE TO INFORMATION AVAILABLE UNDER THE PUBLICATION SCHEME

The Freedom of Information Act (FOIA) requires all schools to adopt and maintain a publication scheme. We must produce and publish the method by which the specific information will be available.

Information that is not listed in the publication scheme can still be requested and should be made available unless it can be legitimately withheld.

Charges may be made for activities such as printing, photocopying and postage as well as information for which the academy is legally authorised to charge. Anyone requesting information will be informed of any charge before the information is provided.

Information to be published	How the information can be obtained	Cost
Class 1: Who we are and what we do (Organisational information, structures, locations and contacts, constitutional and legal governance)		
Memorandum & Articles of Association	Trust Website www.mellereducationaltrus.org	No charge
Master Funding Agreement	Trust Website www.mellereducationaltrus.org	No charge
MET Scheme of Governance	Trust Website www.mellereducationaltrus.org	No charge
Members and Directors of the Trust Board and contact information	Trust Website www.mellereducationaltrus.org	No charge
Supplemental Funding Agreements	Trust Website www.mellereducationaltrus.org Individual Academy websites	No charge
Local Governing Body Constitution and Terms of Delegation and MET Decision Making Matrix	Trust Website www.mellereducationaltrus.org	No charge
Local Governing Body Membership	Individual Academy websites	No charge
Individual Academy/UTC session times and term dates	Individual Academy websites	No charge
Academy staff and staffing structures	Application where not on individual Academy websites	Refer to academy
Trust Central Staff	Trust Website www.mellereducationaltrus.org	No charge
Contact – Location and contact information	Trust Website www.mellereducationaltrus.org and Individual Academy websites	No charge
Class 2 : What we spend and how we spend it Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.		

<u>Trust Budget</u> - Budget distributed by the DfE - Annual Report and Financial Statements	Application to Trust Office Trust Website www.mellereducationaltrust.org	Schedule of charges No charge
Capital funding and information on related building projects and other capital projects	Application to Trust Office	Schedule of charges
Financial audit reports	Application to Trust Office	Schedule of charges
Financial Management Policy	Application to Trust Office	Schedule of charges
<u>Pay Policy</u> The statement of the school's pay policy and procedures regarding teachers' pay	Application to individual academies	Refer to academy
Additional Funding	Application to Trust Office	Schedule of charges
<u>Procurement and contracts</u> Details of procedures used for the acquisition of goods and services. Details of contracts that have gone through a formal tendering process	Application to Trust Office	Schedule of charges
<u>Staffing and Grading Structure</u> The names and positions of all staff of the school, and how they may be contacted via the school	Application to individual academies	Refer to academy
Governors/Trustees Allowances – Details of allowances and expenses that can be claimed or incurred	Application to Trust Office	Schedule of charges
Class 3: What our priorities are and how we are doing Strategy and performance information, plans, assessments, inspections and reviews.		
<u>Academy Profile</u> - Government supplied performance data - Latest Ofsted reports	DfE website www.gov.uk/school-performance-tables Individual Academy websites	No charge No charge
Performance Management Policy and Procedures adopted by the Trust	Application to the Trust Office	Schedule of charges
<u>Future plans</u> - Any major proposals for the future of the Trust/Academies - Trust Development Plan - Individual Academy Improvement Plans	Application to the Trust Office/academies Application to the Trust Office Application to the individual Academy	Schedule of charges Refer to academy
<u>Safeguarding and Child Protection</u>		

- The policies and procedures that are in place to ensure that that the school exercises its functions with a view to safeguarding and promoting the welfare of children, including child protection, in compliance with legislation and any guidance issued by the Secretary of State.	Individual Academy websites	Refer to academy
Class 4: How we make decisions.		
Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.		
<u>Admission policy/decisions</u> Individual Academy admissions arrangements and procedures, together with information about the right of appeal	Individual Academy websites	Free
<u>Minutes of Local Governing Bodies and the Trust Board</u> Minutes, agendas and papers considered at such meetings, with the exception of information that is properly considered to be private to the meeting	Individual Academy websites (Local Governing Body) Application to the Trust Office (Trust Board)	Free if on website otherwise see Schedule of charges
Local Governing Body Constitution and Terms of Delegation and MET Decision Making Matrix	Trust website www.mellereducationaltrust.org	Free
Committee Terms of Reference	Individual Academy websites	Free
Class 5: Our policies and procedures.		
Current written protocols for delivering our functions and responsibilities.		
<u>Trust Policies</u> - Health & Safety Statement of Intent - Complaints Procedure - Staff Code of Conduct - Discipline and grievance policies - Information request handling policy - Complaints procedure - Gifts Policy - Expenses Policy	Trust website www.mellereducationaltrust.org	Free
Student and Curriculum Policies	Individual Academy websites	Free
<u>Records Management and personal data policies</u> - Data protection (including information sharing) policies	Individual Academy websites	Free

<u>Equality and diversity</u> - Policies, schemes, statements, procedures and guidelines relating to equal opportunities	Individual Academy websites	Free
Policies and procedures for the recruitment of staff	Application to Trust Office Application to individual academies	Schedule of charges
<u>Charging regimes and policies</u> This should include details of any statutory charging regimes. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made and how they are calculated	Trust website www.mellereducationaltrust.org Individual Academy websites	Free
Class 6: Lists and registers Information held in registers required by law and other lists and registers relating to the functions of the authority.		
<u>Curriculum circulars and statutory instruments</u> Statutory Instruments (for example Regulations), departmental circulars and administrative memoranda sent to the Head Teacher/Governing Body concerning the curriculum.	Application to individual academies Application to Trust Office	Schedule of charges
<u>Disclosure logs</u> Logs of information provided in response to requests	Application to the individual academies/Trust	Schedule of charges Refer to academy
Asset register	Application to Trust Office	Schedule of charges
Any information the Trust is currently legally required to hold in publicly available registers.	Application to Trust Office	Schedule of charges
Class 7: The services we offer Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.		
Extra-curricular activities and out of school clubs	Individual Academy websites	Refer to Academy
School publications	Individual Academy websites	Refer to Academy
Services for which the academy is entitled to recover a fee, together with those fees	Individual Academy websites	Refer to Academy

Schedule of Charges

Type of Charge	Description	Basis of Charge
Disbursement cost	Photocopying/printing at 5p per sheet (black & white)	Actual cost

	Photocopying/printing at 15p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard second class
Statutory Fee		In accordance with the relevant legislation

Appendix 3: Exceptions

Although decisions on disclosure should be made on a presumption of openness, the FOI Act recognises the need to preserve confidentiality and protect sensitive material in some circumstances.

We will not withhold information in response to a valid request unless one of the following applies:

- An exemption to disclose, or
- The information sought is not held, or
- The request is considered vexatious or repeated, or
- The cost of compliance exceeds the threshold (£450²)

A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. There are more than 20 exemptions, some are very specialised in their application, such as national security, and are not normally relevant to academies.

There are two general categories of exemptions:

- Absolute – where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest test, and
- Qualified – where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

What are the absolute exemptions?

There are 8 Absolute exemptions listed in the Act. Even where an Absolute exemption applies:

- It does not mean that we can't disclose in all cases; it means that disclosure is not required by the Act. A decision could be taken to ignore the exemption and release the information taking into account all the facts of the case
- There is still a legal obligation to provide reasonable advice and assistance to the enquirer.

The Absolute exemptions in the Act are set out below. Those which might be relevant to the Trust are marked with an *:

- a) Information accessible to the enquirer by other means* (section 21) – If information is reasonably accessible to the applicant by another route than the Act, it is exempt information. This is the case even if the enquirer would have to pay for the information under the alternative route. This exemption includes cases where you are required to give information under other legislation, or where the information is available via the Publication Scheme.
- b) Information dealing with security matters (section 23) – This applies to information directly or indirectly supplied by, or relating to, bodies dealing with security matters such as MI5, MI6, Special Forces, etc.
- c) Court records (section 32) – This applies to information related to proceedings in a court or tribunal or served on a public authority for the purposes of proceedings.
- d) Parliamentary Privilege (section 34) – This exempts information if it is required for the purpose of avoiding an infringement of the Parliamentary privilege.
- e) Prejudice to the effective conduct of public affairs (section 36) – This relates to the maintenance of the collective responsibility of Ministers.
- f) Personal information* (section 40) – Where the enquirers ask to see information about themselves, this is exempt under the Act because it is covered by the Data Protection Act³.

² This threshold is determined by the Information Commissioner's Office.

³ This will automatically include the General Data Protection Regulations when they come into force on 25 May 2018.

Personal data relating to another individual or sets of individuals is separately covered by the Data Protection Act³, and does not fall within the scope of this policy. Reference should be made to the Trust's Data Protection Policy in such cases, and the section below.

- g) Information provided in confidence* (section 41) – This relates to information obtained from a person if its disclosure would constitute a breach of confidence actionable by that, or another, person.
- h) Prohibitions on disclosure* (section 44) – Information is exempt where its disclosure is prohibited under any other legislation by order of a court or where it would constitute a contempt of court or where it is incompatible with any EC obligation.

What are the qualified exemptions?

With qualified exemptions, even if it is decided that an exemption applies, there is a duty to consider the public interest in confirming or denying that the information exists and in disclosing the information.

The qualified exemptions in the Act are set out below. Those which might be relevant to the Trust are marked with an *:

- a) Information intended for future publication* (section 22) – If, at the time the request was made, information is held with a view to publication, then it is exempt from disclosure if it is reasonable that it should not be disclosed until the intended publication date. This could apply to statistics published at set intervals, statutory accounts, and similar information.
- b) National security (section 24) – Information is exempt for the purposes of safeguarding national security.
- c) Defence (section 26) – Information is exempt if its disclosure would prejudice the defence of the UK.
- d) International relations (section 27) – Information is exempt if its disclosure would, or would be likely to, prejudice relation between the UK and any other state.
- e) Relations within the UK (section 28) - Information is exempt if its disclosure would, or would be likely to, prejudice relations between any administration in the UK.
- f) The economy (section 29) – Information is exempt if its disclosure would, or would be likely to, prejudice the economic or financial interests of the UK.
- g) Investigations and proceedings conducted by public authorities*(section 30) – Information is exempt if it has at any time been held by the Trust for the purposes of criminal investigations or proceedings, such as determining whether a person should be charged with an offence or whether a charged person is guilty, or investigations which may lead to a decision to institute criminal proceedings. The duty to confirm or deny does not apply to such information.
- h) Law enforcement* (section 31) – Information which is not exempt under Section 30 may be exempt under this exemption in the event that disclosure would, or would be likely to, prejudice the following among others:
 - The prevention or detection of crime
 - The apprehension or prosecution of offenders
 - The administration of justice
 - The exercise of functions such as ascertaining if a person has broken the law, is responsible for improper conduct, whether circumstances justify regulatory action, ascertaining a person's fitness or competence in relation to their profession, ascertaining the cause of an accident or protecting or recovering charities or its properties.
 - Any civil proceedings brought by or on behalf of the Trust which arises out of an investigation carried out for any of the purposes mentioned above.

The duty to confirm or deny does not arise where prejudice would result to any of these matters.

- i) Audit functions (section 33) – Information is exempt if disclosure would, or would be likely to, prejudice the exercise of an authority’s functions in relation to the audit of the accounts of other public authorities. It does not apply to internal audit reports.
- j) Formulation of government policy (section 35) – Information held is exempt information if it relates to the formulation or development of government policy, ministerial communications, advice by Law Officers (eg Attorney General) and the operation of any Ministerial private office.
- k) Prejudice to the conduct of public affairs (section 36) – Information likely to prejudice the maintenance of the convention of the collective responsibility of Ministers or likely to inhibit the free and frank provision of advice or exchange of views.
- l) Communications with the Queen (section 37) – Information is exempt if it relates to communications with the Queen, the Royal Family or Royal Household or if it relates to the award of honours. The duty to confirm or deny does not arise where this exemption applies.
- m) Health and safety* (section 38) – Information is exempt if its disclosure would or would be likely to endanger the safety or physical or mental health of any individual. The duty to confirm or deny does not arise where prejudice would result.
- n) Environmental information* (section 39) – Information is exempt under FOI when it is covered by the Environmental Information Regulations.
- o) Personal information* (section 40) – Where the information concerns a third party, it is exempt if its disclosure would contravene the Data Protection Act³, or the data protection principles; or if the person to whom the information relates would not have a right of access to it because it falls under one of the exemptions to the Data Protection Act. The duty to confirm or deny does not arise in relations to this information if doing so would be incompatible with any of the above.
- p) Legal professional privilege* (section 42) – Legal professional privilege covers any advice given by legal advisers, solicitors or barristers. Generally such information will be privileged. If the Trust wishes to disclose the information we will need to seek consent from the provider of the advice. This exemption covers all such information where a claim to legal professional privilege can be maintained in legal proceedings. The duty to confirm or deny does not arise where to do so would involve the disclosure of such information.
- q) Commercial interests* (section 43) – Information is exempt if it constitutes a trade secret or would be likely to prejudice the commercial interests of any person or body, including the Academies. The duty to confirm or deny does not arise where prejudice would result to commercial interests but not where the information constitutes a trade secret.

Protective markings and applying exemptions

When considering if an exemption to disclosure should apply, we will bear in mind that the presence of a protective marking (Restricted, Confidential or Secret) does not constitute an exemption and is not, in itself, sufficient grounds on which to prevent disclosure. Each case must be considered on its merits.

Timing

Where information has previously been withheld, it must not be assumed that any subsequent requests for the same information will also be refused. Sensitivity of information decreases with age and the impact of any disclosure will be different depending on when the request is received. Therefore, for each request, we will consider the harm that could result at the time of the request and, while taking into account any previous exemption applications, each case should be considered separately.

Next steps

In all cases, before writing to the enquirer, the person given responsibility for FOI by the Governing Body will need to ensure that the case has been properly considered, and that the reasons for refusal, or public interest test refusal, are sound. To help ensure this, every case of refusal is reviewed by the Principal.

Public interest test

Having established that a qualified exemption definitely applies to a particular case, we must then carry out a public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. Therefore, unless it is in the public interest to withhold the information, it has to be released.

Although precedent and a case law will play a part, individual circumstances will vary and each case will need to be considered on its own merits.

It is worth noting that what is in the public interest is not necessarily the same as that which may be of interest to the public. It may be irrelevant that a matter may be the subject of public curiosity.

In most cases it will be relatively straightforward to decide where the balance of the public interest in disclosure lies. However, there will inevitably be cases where the decision is a difficult one.

Factors that might be taken into account when weighing the public interest include: For Disclosure	Against Disclosure
Is disclosure likely to increase access to information held by the Trust?	Is disclosure likely to distort public reporting or be misleading because it is incomplete?
Is disclosure likely to give the reasons for a decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?	Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues still on the internal agenda or evolving?
Is disclosure likely to improve the accountability and transparency of the Trust in the use of public funds and help to show that it obtains value for money?	Is disclosure likely to cause unnecessary public alarm or confusion?
Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed policy?	Is disclosure likely to seriously jeopardise the Trust's legal or contractual position?
Is disclosure likely to increase public participation in decision making?	Is disclosure likely to infringe upon other legislation e.g. Data Protection Act?
Is disclosure likely to increase public participation in the political processes in general?	Is disclosure likely to create a controversial precedent on the release of information or impair our ability to obtain information in the future?
Is disclosure likely to bring to light information affecting public safety?	Is disclosure likely to adversely affect the Trust's proper functioning and discourage openness in expressing opinions?
Is disclosure likely to reduce further enquiries on the topic?	If a large amount of information on the topic has already been made available, would further disclosure shed any more light or serve any useful purpose?

Note that:

- Potential or actual embarrassment to, or loss of confidence in, the Trust, staff, or governors is not a valid factor to consider.

- The fact that the information is technical, complex to understand and may be misunderstood may not of itself be a reason to withhold information.
- The potential harm of releasing information will reduce over time and should be considered at the time the request is made rather than by reference to when the relevant decision was originally taken.
- The balance of the public interest in disclosure cannot always be decided on the basis of whether the disclosure of particular information would cause harm, but on certain higher order considerations such as the need to preserve confidentiality of internal discussions.
- A decision not to release information may be perverse, i.e. would a decision to withhold information because it is not in the public interest to release it, itself result in harm to public safety, the environment or a third party.

We will record the answers to these questions and the reasons for these answers. Deciding on the public interest is not simply a matter of adding up the number of relevant factors on each side. We will decide how important each factor is in the circumstances and make an overall assessment. This assessment will be reviewed by the Chief Executive Officer of the Trust.

Decision for disclosure

Where the balance of the public interest lies in disclosure, the enquiry will be dealt with and the information required will be made available.

Decision against disclosure

After carrying out the public interest test if it is decided that the exemption should still apply, we will reply to the request with the appropriate reply under the circumstances.

There will be occasions when it has been decided that a qualified exemption applies but consideration of the public interest test may take longer. In such a case, we will contact the enquirer within 20 school days stating that a particular exemption applies, but we will include an estimate of the date by which a decision on the public interest test will be made. This will be within a reasonable time, normally no more than 10 school days beyond the 20 days.