



THE CONSORTIUM
ACADEMY TRUST

Shaping Positive Futures

Freedom of Information (FOI) Policy

The Consortium Academy Trust (TCAT)
An Exempt Charity Limited by Guarantee
Company Number 07665828

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**NB – This document can only be considered valid when viewed on The Consortium Academy Trust website. If the copy is printed or downloaded and saved elsewhere the Policy date should be cross referenced to ensure the current document is referenced. The linked policies can be viewed at www.consortiumtrust.co.uk*

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Statement of intent

As an educational provider, The Consortium Academy Trust (the Trust) has an obligation to meet its duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy will assist us in fulfilling that requirement.

This policy outlines our procedures for:

- The release and publication of private data and public records
- Providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by us obtaining any requested information, and on charging fees for its provision.

1. Legal framework

1.1. This policy has due regard to the following legislation:

- The UK General Data Protection Regulation (UK GDPR)
- The Data Protection Act 2018
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

1.2. This policy also has due regard to guidance including, but not limited to, the following:

- Cabinet Office (2018) 'Freedom of Information Code of Practice'
- ICO (2021) 'Definition document for the governing bodies of maintained and other state-funded schools in England'
- ICO (2015) 'Model Publication Scheme'
- ICO (2016) 'Duty to provide advice and assistance (section 16)'
- ICO (2023) 'Time limits for compliance under the Freedom of Information Act (section 10)'

1.3. This policy will be viewed in conjunction with the following Trust policies:

- Data Protection Policy
- Records Management Policy

2. Accepting requests for information

2.1. We will only accept a request for information which meets all of the following criteria:

- It is in writing (this includes requests sent to any academy official social media accounts)
- It states the name of the applicant (not a pseudonym) and an address for correspondence
- It adequately describes the information requested

2.2. In addition to requests made by hard copy letter, a request will also be treated as made in writing if it meets all of the following requirements:

- It is transmitted by electronic means
- It is received in legible form
- It is capable of being used for subsequent reference

- 2.3. Where a request is submitted in a foreign language, we are not expected to obtain a translation of the request. For the request to be processed, we will ask the applicant to provide their request in English.
- 2.4. We will publish details of its procedures for dealing with requests for information on the website, which includes the following:
- A contact address and email address
 - A telephone number
 - A named individual to assist applicants with their requests
- 2.5 Any Trust member of staff who receives a request for information from any person (including but not limited to any learner, parent, colleague or member of the public) should refer the request immediately to the Trust's Data Protection Officer. The Data Protection Officer will then co-ordinate the response and identify whether any exemptions are relevant to the request or if the request is one for environmental information that is instead subject to the Environmental Information Regulations 2004.

3. General rights of access to information held by the Trust

- 3.1. Provided that the request meets the requirements set out in section 2 of this policy, and subject to any applicable statutory exemptions (considered further below) we will comply with our duty to:
- Confirm or deny to any person making a request for information, whether it holds information of the description specified in the request.
 - Provide the information requested, if confirms that it holds the requested information.
- 3.2. The duties outlined in section 3.1 will be completed no later than 20 school days, or 60 working days if this is shorter, from receipt of the request.
- 3.3. Where a fee is charged (see section 5 below), the timeframe within which we have to respond to the request begins from the day the fee is received.
- 3.4. We will not comply with section 3.1 of this policy where:
- We reasonably require further information to respond substantively to a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
 - The information 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.
 - A request for information is exempt under section 2 of the Freedom of Information Act 2000.
 - The cost of providing the information exceeds the appropriate limit (see section 4 below).
 - The request is vexatious.
 - The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
 - A fee notice was not honoured.
 - The requested information is not held for the purposes of our business.
- 3.5. Where information is, or is thought to be, exempt, we will, within the deadline referred to in section 3.2 above, give notice to the applicant which:
- States that fact

- Specifies the exemption in question
- 3.6. If information falls within scope of a qualified exemption and we need additional time to consider the public interest test, we may extend the deadline. In most cases, the extension will exceed no more than a further 20 school days; however, the actual length of the extension will be decided on a case-by-case basis.
- 3.7. Where a public interest extension is required, we will write to the applicant to inform them of this, stating the following information:
- Which exemption(s) the extension relies on and why
 - A revised deadline for when the applicant will receive their response
- 3.8. Where a deadline has to be further extended, we will write to the applicant again, stating the information outlined in section 3.7.
- 3.9. Requests for information that is not recorded by us (e.g. requests for explanations, clarification of policy and comments on the Trust's business) will not be considered valid requests. In these cases, the applicant will be provided with an explanation of why their request will not be treated under the Freedom of Information Act 2000 and we will respond to the applicant through other channels as appropriate.
- 3.10. The information provided to the applicant will be in the format that they have requested, where possible. Where it is not possible to provide the information in the requested format, we will assist the applicant by discussing alternative formats in which it can be provided.
- The information provided will also be in the language in which it is held, or another language that is legally required.
- If, under relevant disability and discrimination regulations, we are legally obliged to provide the information in other forms and formats, we will do so.
- 3.11. In some cases, a request may be dealt with under more than one access regime, e.g. if the request involves both information about the Trust and personal information, it will be dealt with under the Freedom of Information Act 2000 and the Data Protection Act 2018.
- 3.15. Staff are made aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held with the intention of preventing disclosure following a request.

4. The appropriate limit

- 4.1. We will not comply with any freedom of information request which has an estimated cost of compliance that exceeds the statutorily imposed "appropriate limit" of £450 unless the requestor pays any costs over and above £450. In this case the DPO will request written agreement from the requestor that they will pay additional costs based on £25 per hour. The "time for compliance" clock will be paused until an agreement is reached or the requestor refines the request so that the cost of compliance does not exceed £450.
- 4.2. When determining whether the cost of complying with a freedom of information request is within the appropriate limit, we will take account only of the costs we reasonably expect to incur in relation to:
- Determining whether it holds the information.
 - Locating the information, or a document which may contain the information.

- Retrieving the information, or a document which may contain the information.
 - Extracting the information from a document containing it.
 - Costs related to the time spent by any person undertaking any of the activities outlined in this policy on behalf of the school, are to be estimated at a rate of £25 per person per hour.
- 4.3. We are not required to search for information in scope of a request unless and until it is within the appropriate limit.

If responding to one part of a request would exceed the appropriate limit, we do not have to search for information in response to any part of the request.

- 4.4. Where multiple requests for information are made within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting independently or in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to us of complying with all of them.

5. Charging fees

- 5.1. We may, within 20 school days, give an applicant who has requested information, a written notice stating that a fee is to be charged.

- 5.2. Charges may be made for disbursements, such as the following:

- Production expenses, e.g. printing and photocopying
- Transmission costs, e.g. postage
- Complying with the applicant's preferences about the format in which they would like to receive the information, e.g. scanning to a CD

- 5.3. Fees charged will not exceed the total cost of:

- Informing the person making the request whether we hold the information.
- Communicating the information to the person making the request.

- 5.4. Where a fee is to be charged, we will not comply with section 3 of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.

Where a fee is paid by cheque we have the right to wait until the cheque is cleared before commencing work.

Once a fee is received, we will inform the applicant of the revised response deadline, i.e. an additional 20 school days (or 60 working days if shorter).

- 5.5. Where we have underestimated the cost to be charged to an applicant, a second fees notice will not be issued; instead, we will bear the additional costs.

- 5.6. When calculating the 20th school day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received will be disregarded.

6. Means of communication

- 6.1. Where, on making a request for information, the applicant expresses a preference for communication by any one, or more if appropriate, of the following means, we will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
 - The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
 - The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.
- 6.2. Where a preference is not stated by the applicant, we will communicate by any means which are reasonable under the circumstances.

7. Providing advice and assistance

- 7.1. We will meet our duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information.
- 7.2. We may offer advice and assistance in the following circumstances:
- If an individual requests to know what types of information we hold and the format in which it is available, as well as information on the charging procedures.
 - If a request has been made, but we are unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
 - If a request has been refused, e.g. due to an excessive cost, and it is necessary for us to assist the individual who has submitted the request.
- 7.3. We will provide assistance for each individual on a case-by-case basis; examples of how assistance can be provided include the following:
- Informing an applicant of their rights under the Freedom of Information Act 2000
 - Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
 - Advising an applicant if information is available elsewhere and how to access this information
 - Keeping an applicant informed on the progress of their request
- 7.4. Where we wish to ask a different public authority to deal with a request by transferring it to them, this will only be done with the agreement of the applicant.
- 7.5. In order to provide assistance as outlined above, we will engage in the following good practice procedures:
- Make early contact with an individual and keep them informed of the process of their request.
 - Accurately record and document all correspondence concerning the clarification and handling of any request.
 - Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
 - Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
 - Remain prepared to assist an applicant who has had their request denied due to an exemption.
- 7.6. We will consider what level of assistance is required for an applicant who has difficulty submitting a written request.

7.7. In circumstances where an applicant has difficulty submitting a written request, we will:

- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
- Direct the individual to a different agency that may be able to assist with framing their request.

NB. This list is not exhaustive, and we may decide to take additional assistance measures that are appropriate to the case.

7.8. Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, we, as a matter of good practice, will provide advice and assistance.

7.9. We will advise the applicant how and where information can be obtained, if it is accessible by other means.

7.10. Where there is an intention to publish the information in the future, we will advise the applicant of when this publication is expected.

7.11. If the request is not clear, we will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.

7.12. If we believe the applicant has not provided their real name, we will inform the applicant that the request will not be responded to until further information is received from the applicant.

7.13. If any additional clarification is needed for the remainder of a request, we will ensure there is no delay in asking for further information.

Applicants are given two months to provide any requested clarification. If an applicant decides not to follow our advice and assistance and fails to provide clarification, we are under no obligation to contact the applicant again.

If we are under any doubt that the applicant did not receive the advice and assistance, we will re-issue it.

7.14. We are not required to provide assistance where an applicant's request is vexatious or repeated, as defined under section 14 of the Freedom of Information Act 2000.

7.15. Where we have already sent a refusal request in relation to a previous vexatious request, we are not obliged to send another notice for future vexatious requests.

7.16. We are not required to provide information where the estimated cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, we will firstly provide the applicant with advice and assistance to help them reframe or refocus their request with a view to bringing it within the appropriate limit. Then we will consider whether any information can be provided free of charge if the applicant refuses to reframe/refocus their request accordingly or pay the fee.

7.17. If a request is refined, it will be treated as a new request.

7.18. A record will be kept by of the advice and assistance provided.

8. Consultation with third parties

- 8.1. We may need to consult third parties about information held in scope of a request to consider whether it would be suitable to disclose the information. Situations where third parties may need to be consulted include the following:
 - When requests relate to persons or bodies who are not the applicant
 - When the disclosure of information is likely to affect the interests of persons or bodies who are not the applicant or the Trust
- 8.2. We will consider if a third party needs to be directly consulted about a request, particularly, if there are contractual obligations that require consultation before information is disclosed.
- 8.3. Third parties will also be consulted where we propose to disclose information relating to them or information that is likely to affect their business or private interests.
- 8.4. The views of third parties will be given appropriate weighting when deciding how to respond to a request. For example, if the third party created or provided the information, they may have a better understanding of its sensitivity.
- 8.5. It is our decision as to whether information in scope of a request will be released following any relevant consultation.
- 8.6. Where we decide to release information following consultation with a third party, the third party will be informed in advance that the information is going to be disclosed.
- 8.7. Where we intend to release information that relates to a large number of third parties, we will consider whether it would be more appropriate to contact a representative organisation who can express views on behalf of the third parties, rather than contacting each party individually. If no representative organisation exists, we may also consider only notifying or consulting a sample of the third parties relating to the disclosure. Decisions will be made on a case-by-case basis.

9. Internal reviews

- 9.1. When responding to requests for information, the details of our internal review process will be set out, including information about how applicants can request an internal review. Applicants will also be informed of their right to complain to the ICO if they are still dissatisfied following the outcome of the Trust's internal review.
- 9.2. Requests for an internal review should be made in writing to dpo@consortiumtrust.co.uk
- 9.3. For a request for an internal review to be accepted, it must be made within 40 school days from the date we issued an initial response to the request.
- 9.4. Upon receipt of an application, we will acknowledge an application and inform the applicant of the intended response date. Responses will usually be delivered within 20 school days of receipt of the application.
- 9.5. If an internal review is complex, requires consultation with third parties or the relevant information is of high volume, we may need to extend the usual response timeframe. In these cases, we will inform the applicant and provide an alternative response date. In most cases, the extension will exceed no more than a further 20 school days; however, the actual length of the extension will be decided on a case-by-case basis.

- 9.6. Where clarification is needed from an applicant regarding the review, the normal response period will not begin until clarification is received.
- 9.7. Wherever possible, the review will be undertaken by a different member of staff than the person who took the original decision.
- 9.8. During a review, we will evaluate the handling of the request; particular attention will be paid to concerns raised by the applicant.
- 9.9. The applicant will be informed of the outcome of the review and a record will be kept of such reviews and the final decision that is made.
- 9.10. If the outcome of the review is to disclose information that was previously withheld, the information will be provided to the applicant at the same time they are informed of the response to the review, where possible. If this is not possible, the applicant will be informed of when the information will be provided.
- 9.11. Within the response to a review, the applicant will be informed again of their right to complain to the ICO.

10. Publication scheme

- 10.1. We will meet our duty to adopt and maintain a publication scheme which specifies the information which we will publish on the Trust's website, and whether the information will be available free of charge or on payment. Further details are set out in Appendices 1 and 2 to this policy.
- 10.2. The publication scheme will be reviewed and, where necessary, updated on an annual basis.

11. Contracts and outsourced services

- 11.1. We will make clear what information is held by third party contractors on our behalf.
- 11.2. Where a contractor holds information on our behalf (e.g. relating to a contract held with the Trust), this information is considered in the same way as information held by a public authority and so is subject to the Freedom of Information Act 2000.
- 11.3. When entering into a contract, the Trust and contractor will seek to agree what information will be considered to be held by the contractor on our behalf (this will be indicated in the contract).
- 11.4. We will seek to put appropriate arrangements in place to gain access to any information held by the contractor on our behalf, in the event that a freedom of information request is made. Any such arrangements will be set out in a contract, and may cover areas including the following:
 - How and when the contractor should be approached for information and who the points of contact are
 - How quickly information should be provided to us
 - How any disagreement about disclosure between the Trust and contractor will be addressed
 - How requests for internal reviews and appeals to the ICO will be managed
 - The contractor's responsibility for maintaining record keeping systems in relation to the information they hold on behalf of the Trust

- The circumstances under which we must consult with the contractor about disclosure and the process for doing so
- The types of information which should not be disclosed and the reasons for this confidentiality, where appropriate

11.5. In some situations, we may offer or accept confidentiality arrangements that are not set out within a contract with a third party. The Trust and the third party will both be aware of the legal limits placed on the enforceability of expectations of confidentiality and the public interest in transparency.

11.6. Contractors must comply with requests from us for access to information they hold on behalf of us.

11.7. Requests for information held by a contractor on behalf of us will be responded to by the Trust. If a contractor receives a request, this will be passed to us for consideration.

Appendix 1 Model Publication Scheme

This scheme follows the model approved by the ICO and commits our obligation to make information available to the public as part of its normal business activities. We will:

- Proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Trust and falls within the classifications below.
- Specify the information which is held by the Trust and falls within the classifications below.
- Proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- 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.
- Review and update on a regular basis the information the Trust makes available under this scheme.
- Produce a schedule of any fees charged for access to information which is made proactively available.
- Make this publication scheme available to the public.
- Publish any dataset held by the Trust that has been requested, and any updated versions it holds, unless the Trust is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the Trust is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms section 19 of the Freedom of Information Act 2000. The terms 'dataset' and 'relevant copyright work' are defined in sections 11(5) and 19(8) of the Freedom of Information Act 2000 respectively.

1. Classes of information

Information that is available under this scheme includes:

- **Who we are and what we do:** Organisational information, locations and contacts, information on 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 Trust.
- **The services we offer:** Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

Information which **will not** be made available under this scheme includes:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act 2000, or is otherwise properly considered to be protected from disclosure.
- Information in draft form or notes, documents in older versions, emails or other correspondence.

- 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.

2. How information published under this scheme will be made available

Information covered by this scheme will, as far as possible, be published on the Trust website. Where this is impracticable, or you do not wish to access the information via the Trust website, information covered by this scheme can also be obtained by contacting our DPO at: dpo@consortiumtrust.co.uk

Requested information under this scheme will be delivered electronically, but paper copies can also be provided.

Information will be provided in the language in which it is held or in such other language(s) that is legally required. Where we are legally required to translate any information, we will do so. Information can be translated into accessible formats where possible.

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.

To enable us to process your request quickly, please mark correspondence:

“PUBLICATION SCHEME INFORMATION REQUEST”

3. 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 Trust for routinely published material will be justified and transparent and kept to a minimum.

Material which has been published and accessible on the Trust website is available free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

4. Freedom of information requests

Information that is not covered by this scheme can be requested in writing, where its provision will be considered under the Freedom of Information Act 2000.

To enable us to process freedom of information requests within statutory timeframes, please mark all correspondence: **“FREEDOM OF INFORMATION REQUEST”**

Appendix 2: Guide to information

Information to be published	How the information can be obtained	Cost
Class 1: Who we are and what we do		
Our organisational information, structures, locations and contacts	Hard copy or website	£
Who's who in the school	School website: URL	Free
Who's who on the governing board, and the basis of their appointment		
Articles of Association		
Contact details for the Headteacher		
Contact details for the governing board		
The school prospectus		
The school's annual report		
The school's staffing structure		
School session times and term dates		
The school's address		
The school's contact details		
The school's email address		
The school website		
The names of key personnel		
Class 2: What we spend and how we spend it		
Our financial information concerning the school's projected and actual income and expenditure, procurement, contracts and financial audit – including the current and previous financial year	Hard copy or website	£
Annual budget plan and financial statements		
Capital funding		
Financial audit reports		
Details of expenditure items over £5000 including costs, supplier and transaction information (which will be published at least annually or at quarterly/six monthly intervals where practical).		

Procurement and contracts the school has entered into, or information relating to information held by an organisation which has entered into procurement or contracts on the school's behalf, for example, the LA		
The pay policy		
Staff allowances and expenses that can be incurred or claimed, with		
totals paid to individual senior staff members by reference to categories		
The staffing, pay and grading structure		
Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors		
Class 3: What our priorities are and how we are doing		
Our strategies and plans, performance indicators, audits, inspections and reviews	Hard copy or website	£
Performance data supplied to the government		
The latest Ofsted summary		
The latest Ofsted full report		
The latest post-inspection action plan		
The performance management policy and procedures		
The latest performance data		
The school's future plans		
The safeguarding and child protection policies and procedures		
Class 4: How we make decisions		
Our decision-making processes and records of the decision we have made – including the current year and the previous three years	Hard copy or website	£
Admissions policy		
Information pertaining to admissions decisions		
The governing board and its committees' agendas and meeting minutes		
Class 5: Our policies and procedures		
Our current written protocols, policies and procedures for delivering our services and responsibilities	Hard copy or website	£
Charging and Remissions Policy		
School behaviour policy		

Sex education policy		
Special educational needs (SEN) – SEN information report		
Data protection policy		
Health and safety policy		
Admissions arrangements		
Accessibility plan		
Central record of recruitment and vetting checks		

Complaints procedure statement		
Freedom of information procedures		
Governing board and committee meeting minutes, and papers considered at meetings		
Premises management documents		
Equality information and objectives statement for publication		
Register of pupils' admission to school		
Register of pupils' attendance		
Staff discipline, conduct and grievance (procedures for addressing)		
Child protection policy and procedures		
Early years foundation stage (EYFS) policy and procedures (primary schools only)		
Statement of procedures for dealing with allegations of abuse against staff		
Supporting pupils with medical conditions policy		
Provider access policy statement (secondary schools and sixth forms only)		
Any records management and personal data policies and procedures held in addition to the data protection policy and FOI procedures, including: <ul style="list-style-type: none"> • Information security policies • Records retention, destruction and archive policies • Information sharing policies 		

Charging regimes and policies		
Class 6: Lists and registers		
Our currently maintained lists and registers – this does not include our attendance registers	Hard copy or website (Some information may only be available by inspection)	£
Curriculum circulars and statutory instruments		
Disclosure logs		
Asset register		
Any information the school is currently legally required to hold in publicly available registers		
Class 7: The services we offer		
Information about the services we offer including, leaflets, guidance and newsletters produced for the public and businesses – current information only	Hard copy or website (Some information may only be available by inspection)	£
Extra-curricular activities		
Out of school clubs		
Services for which the school is entitled to recover a fee (and details of the fees)		
School publications, leaflets, books and newsletters		