



Board of Trustees of the City of London Academies Trust

Date: THURSDAY, 11 JULY 2019
Time: 9.00 am
Venue: COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

Members: Andrew McMurtrie (Chairman)
Roy Blackwell (Vice-Chair)
Peter Bennett
Tijs Broeke
Ann Holmes
Deputy Clare James
Rehana Ameer (Co-Opted Trustee)
Edward Benzecry (Co-Opted Trustee)
Dawn Elliott (Co-Opted Trustee)
Lucas Green (Co-Opted Trustee)

Enquiries: Kerry Nicholls
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AGENDA

1. **APOLOGIES**

2. **DECLARATIONS**

3. **MINUTES**

To agree the public minutes and non-public summary of the meeting held on 21 March 2019.

For Decision
(Pages 1 - 2)

4. **COMMITTEE MINUTES**

a) Minutes of the Finance, Audit and Risk Committee (To Follow)

To receive the minutes of the Finance, Audit and Risk Committee meeting held on 4 July 2019.

b) Minutes of the Standards and Accountability Committee (Pages 3 - 6)

To receive the minutes of the Standards and Accountability Committee meeting held on 2 May 2019.

For Information

5. **POLICIES FOR THE TRUST**

Report of the Chief Financial Officer.

For Decision
(Pages 7 - 92)

6. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**

7. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

8. **EXCLUSION OF THE PUBLIC**

For Decision

9. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 21 March 2019.

For Decision
(Pages 93 - 100)

10. **NON-PUBLIC COMMITTEE MINUTES**

a) Non-Public Minutes of the Finance, Audit and Risk Committee (To Follow)

To receive the non-public minutes of the Finance, Audit and Risk Committee meeting held on 4 July 2019.

- b) Non-Public Minutes of the Standards and Accountability Committee (Pages 101 - 104)

To receive the non-public minutes of the Standards and Accountability Committee meeting held on 2 May 2019.

For Information

11. **OUTSTANDING ACTIONS**

For Information
(Pages 105 - 106)

12. **APPOINTMENTS TO LOCAL GOVERNING BODIES**
Report of the Clerk.

For Decision
(Pages 107 - 110)

13. **CEO EXECUTIVE SUMMARY**
Report of the Chief Executive Officer.

For Information
(Pages 111 - 118)

14. **CFO UPDATE**
Report of the Chief Financial Officer.

For Decision
(Pages 119 - 152)

15. **HUMAN RESOURCES UPDATE**
Report of the Human Resources Director.

For Decision
(Pages 153 - 192)

16. **SCHEME OF DELEGATION**
Report of the Chief Executive Officer.

For Decision
(Pages 193 - 196)

17. **COLAT SCHOOLS SAFEGUARDING MONITORING UPDATE**
Report of the Chief Executive Officer.

For Information
(Pages 197 - 246)

18. **IMPACT VISITS - SUMMER TERM SUMMARIES**
Report of the Chief Executive Officer.

For Information
(Pages 247 - 280)
19. **TRUST SCHOOLS' PREDICTED GRADES**
Report of the Chief Executive Officer.

For Information
(Pages 281 - 284)
20. **COLAT SCHOOLS ICT**
Report of the Director of Information and Communications Technology.

For Information
(Pages 285 - 306)
21. **LOCAL GOVERNING BODY AUDIT TOOL**
Report of the Chief Executive Officer.

For Decision
(Pages 307 - 310)
22. **SOUTHWARK LGB - REVIEW AND RECOMMENDATIONS**
Report of the Chief Executive Officer.

For Decision
(Pages 311 - 312)
23. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**
24. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND TRUSTEES AGREE SHOULD BE CONSIDERED WHEN THE PUBLIC ARE EXCLUDED**

BOARD OF TRUSTEES OF THE CITY OF LONDON ACADEMIES TRUST

Thursday, 21 March 2019

Minutes of the meeting of the Board of Trustees of the City of London Academies Trust held at the Guildhall EC2 at 9.00 am

Present

Members:

| | |
|-----------------------------|---------------------------------------|
| Andrew McMurtrie (Chairman) | Dhruv Patel OBE (via conference call) |
| Peter Bennett | Rehana Ameer |

Officers:

| | |
|----------------------|--|
| Alistair MacLellan | - Clerk |
| Kerry Nicholls | - Clerk |
| Mark Emmerson | - Chief Executive Officer |
| Claire Hersey | - Chief Financial Officer |
| Martin Simpson | - Director of Information Communication Technology |
| Katyryna Zamulinskyj | - Human Resources Director |

1. APOLOGIES

Apologies for absence were received from Lucas Green and Deputy Clare James.

The Chairman welcomed Rehana Ameer, Co-Opted Trustee who had recently been appointed to the Board of Trustees. The Chairman led the Board in thanking Dhruv Patel, who would shortly be standing down, for his excellent contribution to the work of the Board of Trustees.

2. DECLARATIONS

There were no declarations.

3. MINUTES

RESOLVED, that the minutes of the meeting held on 13 December 2018 be approved as a correct record.

4. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD

There were no questions.

5. ANY OTHER BUSINESS

There was no other business.

6. EXCLUSION OF THE PUBLIC

RESOLVED, that the public be excluded from the following items of business.

7. NON-PUBLIC MINUTES

RESOLVED, that the non-public minutes of the meeting held on 13 December 2018 be approved as a correct record.

8. **APPOINTMENT OF CO-OPTED TRUSTEE**
The Chairman was heard regarding the appointment of a Co-Opted Trustee.
9. **CEO EXECUTIVE SUMMARY**
Trustees considered an Executive Summary of the Chief Executive Officer.
10. **GROWTH STRATEGY - RECONSIDERATION OF STRATEGY OPTIONS**
Trustees considered a report of the Chief Executive Officer regarding the Growth Strategy and a reconsideration of strategy options.
11. **IMPACT VISITS - SPRING 2 SUMMARIES**
Trustees considered a report of the Chief Executive Officer providing summaries of IMPACT visits that had taken place in all Trust schools in March 2019.
12. **TRUST SCHOOLS' OFF-ROLLING DATA**
Trustees considered a report of the Chief Executive Officer providing an update on Trust schools off-rolling data.
13. **CFO UPDATE AND APPROVALS**
Trustees considered an update report of the Chief Financial Officer.
14. **HUMAN RESOURCES UPDATE**
Trustees considered an update report of the Human Resources Director.
15. **COLAT SCHOOLS ICT UPDATE**
Trustees considered an update report of the Director of Information Communication and Technology.
16. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**
There were no non-public questions.
17. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND TRUSTEES AGREE SHOULD BE CONSIDERED WHEN THE PUBLIC ARE EXCLUDED**
There was one urgent item.
18. **CONFIDENTIAL MINUTES**
RESOLVED, that the confidential minutes of the meeting held on 13 December 2018 be approved as a correct record.

The meeting closed at 10.20 am

Chairman

Contact Officer: Kerry Nicholls
Kerry.Nicholls@cityoflondon.gov.uk

STANDARDS AND ACCOUNTABILITY COMMITTEE OF THE CITY OF LONDON ACADEMIES TRUST

Thursday, 2 May 2019

Minutes of the meeting of the Standards and Accountability Committee of the City of London Academies Trust held at the Guildhall EC2 at 9.00 am

Present

Members:

| | |
|--------------------------|-----------------|
| Andrew McMurtrie | Ann Holmes |
| Roy Blackwell (Chairman) | Edward Benzecry |

Officers:

| | |
|----------------|---------------------------|
| Mark Emmerson | - Chief Executive Officer |
| Kerry Nicholls | - Town Clerk's Department |

1. APOLOGIES

Apologies were received from Dhruv Patel.

The Chairman led the Committee in welcoming Edward Benzecry who had recently been appointed a Trustee of the City of London Academies Trust to the meeting.

2. DECLARATIONS

Mark Emmerson declared that his son was employed as a sports coach by BADU Sports which was contracted to supply sports coaching at the City of London Academy, Highgate Hill.

3. MINUTES

RESOLVED, that the minutes of the meeting held on 7 February 2019 be approved as a correct record.

4. PARENT, COMMUNITY AND COMMERCIAL LINKS SURVEY RESULTS

Trustees considered a report of the Chief Executive Officer outlining the results of the Parent, Community and Commercial Links Survey and the following points were made:

- The survey had been circulated to all Trust academies on 25 February 2019 to review the activities and processes in place to promote and maintain good parent, community and commercial links.
- Seven academies had responded to the survey, the findings of which would be shared with schools across the Trust. Schools would be supported to develop a plan to build stronger parent, community and commercial links with progress monitored via an annual survey.

- Good parent links had been identified as key to supporting schools to build positive relationships with parents and carers, and this could include parents' associations and forums.
- The survey wording should be reviewed to ensure schools were providing comparable data. For example, by requesting details of both the types and frequency of activities delivered, rather than the number.
- The survey identified that there were limited opportunities for parents to meet Governors. Raising the profile of Governors within schools would be a key element in strengthening the relationship between schools and parents and carers, and Governors should be encouraged to attend school events and activities where possible.
- The diversity of schools within the Trust meant that there were a number of cultural, geographical and scheduling factors that could act as a barrier to schools participating in activities or events, including student travel or events scheduled during exam or work experience periods. A Trustee suggested that Prefect dinners offered a good opportunity for schools to engage.
- Only four schools had reported that they currently took part in City of London events and it was important to ensure Trust schools were able to benefit from the unique opportunities offered by the City of London.
- Newham Collegiate Sixth Form did not have a nominated charity, and this was an area the school might consider exploring in developing community and commercial links.
- Social media would be a key tool in strengthening engagement between schools, parent and carers and pupils, as well as in building stronger commercial and community links.

In concluding, Trustees noted that the survey would be repeated on an annual basis to identify how parent, community and commercial links were developing and requested that the survey be provided to the Committee for consideration before it was circulated to schools in early 2020.

RESOLVED, that Trustees note the report.

5. **QUESTIONS**

There were no questions.

6. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There was no other business.

7. **EXCLUSION OF THE PUBLIC**

RESOLVED, that the public be excluded from the following items of business.

8. **NON-PUBLIC MINUTES**
RESOLVED, that the non-public minutes of the meeting held on 7 February 2019 be approved as a correct record.
9. **OUTSTANDING ACTIONS**
Trustees considered a report of the Clerk setting out outstanding actions from previous meetings.
10. **OFSTED DRAFT FRAMEWORK**
Trustees heard the Chief Executive Officer regarding the Ofsted Draft Framework.
11. **STANDARDS CENTRAL FUNCTION - CHIEF STANDARDS OFFICER AND STANDARDS DIRECTORS**
Trustees considered a report of the Chief Executive Officer regarding the Standards Central Function, including the roles of Chief Standards Officer and Standards Directors.
12. **ACADEMIES AT A GLANCE - ACADEMIES SUMMARY**
Trustees considered a report of the Chief Executive Officer providing the 'Academies at a Glance' summary up to the end of the Spring 2019 term.
13. **TRUST SCHOOLS' ALTERNATIVE PROVISION - NEXT STEPS**
Trustees considered a report of the Chief Executive Officer outlining next steps for Trust Schools' alternative provision.
14. **NON-PUBLIC QUESTIONS**
There were no non-public questions.
15. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT THAT THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED.**
There was no urgent business.

The meeting closed at 10.08 am

Chairman

Contact Officer: Kerry.Nicholls@cityoflondon.gov.uk

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Agenda Item 5

| | |
|---|---------------------|
| Committee | Date |
| City of London Academies Trust Board | 11 July 2019 |
| Subject: Policies for the Trust | Public |
| Report of: Claire Hersey, CFO | For approval |
| FOR PUBLICATION | |
| Summary In 2018 the Board of Trustees approved a suite of key finance policies and Trust Whistleblowing, Freedom of Information (FOI) and Data Protection policies ensuring they were appropriate for the Trust's operations and to provide consistency across the Trust. These policies should be reviewed regularly to ensure they remain appropriate for the Trust's current operations. | |

Recommendations

The Trustees are asked to approve the following updated policies:

- Finance Policy
- Procurement and Tendering Policy
- Gifts and Hospitality policy
- Charging and Remissions policy
- Reserves policy
- Investment policy
- Whistleblowing Policy
- Freedom of Information Policy
- Data Protection Policy
- Records Retention

Main Report

Overview

1. In July 2018 the Board of Trustees approved a suite of key finance policies and Trust Whistleblowing and Freedom of Information (FOI) policies ensuring they were appropriate for the Trust's operations and to provide consistency across the Trust. These policies should be reviewed regularly to ensure they remain appropriate for the Trust's current operations.
2. The documents have been written with the aim of providing policies only (i.e. what should be done) at a Trust level so that processes and procedures (i.e. how it should be done) can be determined locally according to the needs, resources and structure in each of the individual academies.

Key finance policies

3. The key finance policies have been reviewed and updated and the updated policies, all attached as appendices to this paper, provide Trust-wide guidance and procedures to ensure consistency across all the academies. The updates are highlighted in the documents, but the changes are very minimal as the Academies Financial Handbook has not yet been updated for 2019 and the changes to the new Academies Accounts Direction do not have any significant impact on finance policies.
4. These six finance policies will be reviewed in detail by the Trust Finance Audit and Risk Committee at its meeting on 4 July. The changes are as follows:
 - Finance Policy
 - Inclusion of bench-marking report in financial review/scrutiny meetings each year
 - Cannot purchase alcohol from any school funds (previously just from restricted funds) following increased scrutiny of schools buying alcohol
 - Additional guidance around reporting related party transactions to ESFA using the on-line form and seeking ESFA approval when required.
 - Procurement Policy
 - Less prescriptive regarding the frameworks that can be used as more are now available, but must seek CFO approval for any new frameworks
 - Gifts and Hospitality Policy
 - Cannot purchase alcohol from any school funds (previously just restricted funds) following increased scrutiny of schools buying alcohol
 - Charging and Remission Policy
 - No change just additional reference to local charging and remission procedures in each school
 - Reserves policy
 - No change from that approved in December 2018
 - Investment policy
 - No change

Whistleblowing Policy and Freedom of Information Policies

5. These policies have been reviewed and updated and the updated policies, attached as appendices to this paper, provide Trust-wide guidance and procedures to ensure consistency across all the academies. The updates are trivial and are highlighted in the documents.

Data Protection and Records Retention Policies

6. In April 2018 the Trustees approved a Data protection policy and Records Retention policy to be compliant with GDPR regulations and the new Data Protection Act 2018. These policies have now been reviewed and updated/refined in consultation with the Trust Data Protection Officer (DPO). The changes are highlighted in the draft policy documents attached as appendices to this paper. Key changes include:

- Clarification of the DPO's responsibilities
 - Additional Appendix for guidance on dealing with subject access requests
7. The central Trust team are continuing to work on harmonising related policies and procedures across all the academies to include:
- Trust-wide templates and guidance for Data Protection Impact Assessments and data sharing agreements
 - Policies for Information Security, Working at Home, CCTV and IT Acceptable Use.

Appendices

- 1 – Updated Finance Policy
- 2 – Updated Procurement and Tendering Policy
- 3 – Updated Gifts and Hospitality Policy
- 4 – Updated Charging and Remissions Policy
- 5 – Reserves Policy
- 6 – Updated Investment Policy
- 7 – Updated Whistleblowing Policy
- 8 - Updated Freedom of Information Policy
- 9 – Updated Data Protection Policy
- 10 – Updated Records Retention Policy

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CITY OF LONDON ACADEMIES TRUST

FINANCE POLICY

| | |
|--------------------|--------------------------------------|
| Responsibility: | Chief Financial Officer |
| Updated: | July 2019 |
| Approved by Board: | 5 July 2017 Reviewed 18 July 2018 |

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DRAFT

1. INTRODUCTION

- 1.1 The purpose of this policy is to ensure that the City of London Academies Trust (CoLAT or the Trust) maintains and develops systems of financial control which conform to the requirements both of propriety and of good financial management. It is essential that these systems operate properly to meet the requirements of our funding agreements with the Department for Education (DfE).
- 1.2 The Trust must comply with the principles of financial control outlined in the academies guidance published by the DfE, most notably the current **Academies Financial Handbook**.
- 1.3 This policy should be read in conjunction with the following other Trust policies:
- a. Pay Policy
 - b. Investment policy
 - c. Reserves policy
 - d. Procurement and Tendering policy
 - e. Charging and remissions policy
 - f. Whistleblowing policy
 - g. Scheme of Delegation
 - h. Gifts and Hospitality

2. ORGANISATION, ROLES AND RESPONSIBILITIES

- 2.1 The Trustees have defined the responsibilities of each person involved in the administration of the Trust finances. These are laid out in the funding agreements between the Trust and the DfE, the Trust's Scheme of Delegation and the Terms of Reference of:
- the Board of Trustees;
 - the Local Governing Body of each Academy; and
 - the subcommittees within each Academy.
- 2.2 Members of the Trust Board, members of the Local Governing Bodies and subcommittees and Management across the Trust and each of the Academies will have regard to: -
- The current Education and Skills Funding Authority (ESFA) Academies Financial Handbook
 - Minimum standards of financial management as set out in the DfE/Master Funding Agreement
 - Advice and guidance relating to the financial performance of the Trust arising from the work of Ofsted, internal audit and external audit providers, and other interested parties.
- 2.3 The Trust believes that staff should be able to raise concerns properly, in confidence and without prejudice to their personal position. Where appropriate, this will include an opportunity to raise concerns outside the line management structure, in accordance with the Trust's **Whistleblowing Policy**.
- 2.4 The Chief Executive Officer of the Trust is the Trust's Accounting Officer as defined by the current Academies Financial Handbook and will fulfill the role and responsibilities as defined in the Handbook.

- 2.5 The Chief Financial Officer (CFO) of the Trust is the Trust's Chief Financial Officer as defined by the current Academies Financial Handbook and will fulfill the role and responsibilities as defined in the Handbook.
- 2.6 Each Academy must have a designated Head of Finance who is responsible for the finance function within the Academy. This role will be fulfilled by the CFO for the central MAT team.

Separation of Duties

- 2.7 In order to reduce the risk of error or intentional manipulation, the roles and responsibilities of members of staff with finance responsibilities in each Academy and in the central MAT team will be structured to ensure the separation of those responsibilities or duties which would, if combined, enable one individual to record and process a complete transaction.
- 2.8 Wherever possible the following duties will be separated:-
- authorisation – of a transaction such as a purchase order or payment;
 - execution – the placing of an order, receiving of goods and services;
 - custody – the holding of goods and services;
 - recording – the completion of accounting records.

Staffing of the Finance Functions

- 2.9 The appointment of staff should be made with due regard to the qualifications and capabilities commensurate with their duties. Inevitably, the proper functioning of any system depends on the competence and integrity of those operating it. The qualifications, experience and personal qualities of those involved with financial arrangements are important features of an effective control system.
- 2.10 Consequently, each Academy and the central MAT team should establish procedures to ensure that: -
- Personnel are competent, suitably qualified and trained to perform at a level commensurate with their responsibilities;
 - Training needs and opportunities for staff, particularly for those with financial responsibilities, are reviewed on a regular basis;
 - Clear statements of criteria for personnel selection and formal job descriptions are maintained;
 - Finance staffing levels are adequate; and
 - There are effective arrangements in place to deal with the absence of key financial personnel to ensure the effective operation of the finance function and to ensure that financial control is maintained.

Human Resources and Payroll

- 2.11 Each Academy and the central MAT team will, where possible, allocate duties to ensure that an appropriate division of duties exists in the area of completing, checking and authorising of all documents and claims relating to appointment and termination of employment, employment expenses and the processing and authorisation of the payroll.

- 2.12 Payroll transactions will be processed only through the approved payroll system. Payments for employment will not be made to staff or visiting lecturers etc. through any other mechanism. Each Academy and the Central MAT team must ensure it has procedures in place to meet the monthly payroll timetable and deadlines so that employees are paid accurately and on time, and the costs are recorded in the accounting system on a timely and accurate basis.
- 2.13 All salary payments are made by BACS.

3. BUDGET MANAGEMENT PROCEDURES

Accounting System

- 3.1 All financial transactions must be recorded in each Academy's Accounting System. This must include:
- System access
 - a. Entry to the system is password restricted and the Head of Finance must ensure a system is in place for passwords to be changed regularly.
 - b. Each user of the system must have only an appropriate level of access within the system as determined by the Head of Finance in the Academy.
 - Effective back-up procedures and a disaster recovery plan in place
 - Appropriate authorisation of all transactions, as determined by the Head of Finance in each Academy
 - Regular review of appropriate reports from the system to ensure accurate recording of transactions and to identify any irregular postings.
- Financial Planning Process**
- 3.2 Each Academy and the Central MAT team must produce a detailed budget for each academic year, along with budgets for at least the following 2 years, in accordance with the Trust's reporting timetable. The projections should include both revenue and capital funds, income from all sources and all planned expenditure. The budget should also show the planned use of any reserves brought forward. The format of the budget will be agreed between the CFO and the Academy's Head of Finance.
- 3.3 The budget must support the Academy's and the Trust's priorities for raising standards and attainment.
- 3.4 Each Academy's Improvement Plan for raising education outcomes, its curriculum and its budget need to be closely linked so that the Academy can weigh up whether it has enough funds to pay for the activities that it believes are necessary to achieve its education objectives. Also, it will be easier to show value for money if objectives within the plan have been achieved within the budgetary constraints.
- 3.5 The budget for each Academy and the Central MAT team must be approved in accordance with the Terms of Reference of the Local Governing Body and the Trust Board.
- 3.6 The consolidated Trust budget must be approved by the Trust Board and submitted to the ESFA in July each year in accordance with the ESFA's reporting timetable. The CFO and Heads of Finance in each of the Academies must work together to establish a timetable for local and central approvals of

the budget so that the ESFA submission deadline can be met.

Budget Monitoring during the financial year

- 3.7 Each Academy will prepare a monthly budget monitoring report for review by its Local Governing Body or relevant subcommittee in accordance with the relevant Terms of Reference. The format and content of this report will be determined locally. The report must show a comparison of expenditure and income to the approved budget. Expenditure and income should be broken down into those sums actually spent, sums already committed and the amounts of expenditure and income which are planned but to which the Academy is not yet committed. The report should show, as accurately as possible, the forecast year end position. The report should also include relevant key financial performance indicators. These KPIs should be determined locally at the beginning of the financial year and reported each month.
- 3.8 Each Academy must also prepare a balance sheet and 12-month cash flow forecast each month for review by its Local Governing Body or relevant subcommittee in accordance with the relevant Terms of Reference. The format and content of this report will be determined locally.
- 3.9 Each Academy will also prepare and submit a monthly budget monitoring report, balance sheet and 12-month cash flow forecast to the Central MAT finance team. The form and content of these reports will be agreed between the CFO and the Academy's Head of Finance.
- 3.10 The central MAT team will prepare a Trust-wide budget monitoring report, balance sheet and 12-month cash flow forecast each month to be shared with the board of Trustees. The latest of these reports will also be submitted to each of the Trust's Finance, Audit and Risk Committee meetings during the financial year. The form and content of these reports will be agreed between the CFO and the Chair of Trustees. These reports should also include relevant key financial performance indicators. These KPIs should be determined by the Trustees at the beginning of the financial year and reported each month.
- 3.11 The consolidated Trust Budget Forecast Outturn Return (BFRO) must be approved by the Trust Board and submitted to the ESFA in May each year in accordance with the ESFA's reporting timetable. The CFO and Heads of Finance in each of the Academies must work together to establish a timetable for local and central approvals of the BFRO so that the ESFA submission deadline can be met.

Financial Review Meetings

- 3.12 Each year each Academy will be required to attend a Financial Scrutiny/Review Meeting. These meetings will involve the Headteacher/Principal, Chair of Local Governing Body/Finance subcommittee and Head of Finance of each Academy presenting key financial documents to the Chief Financial Officer, the Chief Executive and the Chair of CoLAT Finance, Audit and Risk Committee.
- 3.13 CoLAT audit takes place in November each year so it is important that the financial scrutiny check happens prior to the audit procedure and following the ESFA funding letter and budgeting process. For this reason it is proposed that this would happen in June/July each year.
- 3.14 The academy will be required to present an analysis of financial risk incorporating the following documentation:

- A projected budget out-turn for the current financial year
- A detailed 3-year budget forecast for the following three years with a summary of key assumptions
- A 12-month (Sept-Aug) cash flow forecast for the following financial year
- A breakdown of current reserves and a summary of the forecast reserves position over the next 3 years with an explanation of proposed use
- A 5-year capital plan summarizing key areas of spend and how funded
- The current risk register for the Academy
- A report on investments held and the performance of those investments
- A brief bench-marking report

Value Added Tax (VAT)

- 3.15 Under DfE regulations for Academies, VAT can be recovered on all expenditure, revenue and capital where VAT has been charged by the provider of the goods or service. Likewise, Academies must levy VAT on income if appropriate.
- 3.16 All transactions, expenditure and income, must be appropriately coded to the correct VAT rate when entered into the accounting system. This is essential to ensure that Input VAT (expenditure) can be offset to Output VAT (income) on a monthly VAT report to be submitted to the HMRC.

4. VALUE FOR MONEY, PURCHASING AND PAYMENTS

- 4.1 The Board of Trustees recognises the principles of Value for Money and aims to achieve best value for money from all its purchases.
- 4.2 The Head of Finance in each Academy and the Central MAT team must ensure that all purchases (revenue and capital) are made in accordance with:
- The current Academies Financial Handbook
 - The Trust's Scheme of Delegation
 - The Trust's Procurement and Tendering Policy
 - The Terms of Reference of the Local Governing Body and its subcommittees
 - Locally approved levels/limits of authority in place at the Academy (Appendix A)
- 4.3 The Register of Business Interests should be formally referred to prior to the acceptance of quotations or the awarding of contracts.
- 4.4 The procedures for revenue and capital purchasing (to include delegating budgets to budget holders, raising orders for goods and services, processing invoices and credit notes and payment of suppliers) will be defined locally at each Academy ensuring appropriate levels of authority, required approvals and segregation of duties, and accurate recording of all transactions including accruals and commitments. In all cases where purchases are being made using Restricted Funds of any sort, the expenditure must not include alcohol.
- 4.5 Any new goods or services purchased from a related party must be declared to the ESFA using the related party transactions online form. Prior approval must be sought from the ESFA when

- a single contract or agreement with a related party exceeds £20,000
- a contract or agreement of any value means the total value of contracts or agreements with the same related party exceeds £20,000 in a financial year

Goods and Services for Private Use

4.44.6 The Trust will avoid practices such as obtaining goods and services that may include an element of private use for Trustees, members of LGBs and subcommittees or staff. Trustees, members of LGBs and subcommittees and staff will also avoid accepting excessive hospitality, entertainment, or other services from existing or prospective suppliers.

5. INCOME AND SUNDRY DEBTORS

General Income Matters

- 5.1 The Head of Finance in each Academy and the Central MAT team is responsible for the correct accounting of all income due to, and cash collected by, the Academy. Where possible, the Head of Finance will ensure that the responsibility for determining sums due to the Academy is separated from the responsibility for collecting and banking such sums.
- 5.2 The procedures for managing income will be defined locally at each Academy ensuring appropriate levels of authority, required approvals and segregation of duties, and accurate recording of all transactions including debtors and accrued income.
- 5.3 Where invoices are to be raised, the Academy will do so promptly using authorised Academy invoices. The invoice will clearly detail the service or goods provided, the settlement date and the payment required.
- 5.4 Where cash is collected, whether it is due to a fund provided by the ESFA, fund raising or donations, or an unofficial fund, a receipt will be issued. In agreed circumstances such as when collecting monies for an activity for a group of pupils, Cash Collection listings will be used and a single receipt given for the group income. The receipt books will be those approved by the Academy and include VAT, where appropriate.
- 5.5 Cash and cheques collected will be kept secure until the time of banking. Income collected will be banked in its entirety as promptly as possible and will not be used to cash personal cheques or for other payments (other than the official Petty Cash).
- 5.6 Sums received will be reconciled to the sums banked and to the accounting system to ensure that sums banked to the individual Academy and/or Trust bank account are attributed to the correct entity.

Debt monitoring and Debt recovery

- 5.7 All debts will be monitored at regular monthly intervals, via an "Aged Debtor report" in the accounting system or an appropriate manual record. The procedures for managing and chasing debts will be defined locally at each Academy.

Bad Debt Write Off

- 5.8 All debts, regardless of age, should still be attempted to be collected, and will remain as a bad debt until it is written off.
- 5.9 Any write off of bad debts must be in accordance with:
- The current Academies Financial Handbook
 - The Trust's Scheme of Delegation
 - The Terms of Reference of the Local Governing Body and its subcommittees
 - Locally approved levels/limits of authority in place at the Academy
- 5.10 Any debts written off must be reported to the Trust CFO.

6. BANKING ARRANGEMENTS

Opening of Bank accounts

- 6.1 The opening of all bank accounts must be authorised by the Trust Board on receipt of a summary of the arrangements covering the operation of the account and who the signatories will be.
- 6.2 The operation of systems such as Bankers AutoTruStic Clearing System (BACS) and other means of electronic transfer of funds should also be subject to the same level of control.
- 6.3 No bank account should become overdrawn since Academies are prohibited from borrowing in this way.
- 6.4 The procedures for managing and handling cash (to include processing and authorisation of BACS and cheque payments, management/checking of bank reconciliations, petty cash procedures and use of 'cashless' systems such as ParentPay) will be defined locally at each Academy ensuring appropriate levels of authority, required approvals and segregation of duties, adequate security of all cash, and accurate recording of all transactions.

Payments and Withdrawals

- 6.5 There must be robust controls over all ways in which funds may be drawn from accounts, including such operations as standing orders, direct debit mandates, BACS payments and salary payments.
- 6.6 Mandates must be held by the Trust's bankers detailing the arrangements above together with clear instructions that the Trust's bank accounts must not become overdrawn.
- 6.7 The Controls must exist over electronic withdrawals and electronic transfer of funds, including BACS and direct banking links such as telephone banking or computer banking e.g. for payroll purposes or the investment of surplus funds or other transfers of funds between accounts.
- 6.8 Cancelled cheques should be defaced and retained.
- 6.9 If payments are to be made by BACS transfer, the Academy must ensure that the details of the

receiving bank account are correct and that there are controls in place to guarantee the accuracy and authenticity of the transaction.

Reconciliation of Bank Accounts

6.10 At each Academy and in the Central MAT team, bank statements must be reviewed, thoroughly checked and formally reconciled to the accounting system at least monthly. The reconciliation report must be retained on file with each Bank Statement, and printouts of outstanding debits and credits should be attached to the reconciliations.

6.11 Un-presented cheques over 6 months old should be written off.

Cash flow forecasts

6.12 The Head of Finance in each Academy and the Central MAT team is responsible for reviewing the cash balances and preparing cash flow forecasts to ensure that there are sufficient funds available to pay for day to day operations. If significant balances can be foreseen, steps should be taken to invest the surplus funds. Similarly plans should be made to cover potential cash shortages.

7. SECURITY OF ASSETS

Letting of Trust Premises

7.1 The letting of Trust Premises and Grounds should always be subject to a formal contract, even when the Hirer or User is connected to the Trust. A detailed **Lettings Policy** together with charges should be approved locally at each Academy.

Insurance

7.2 The Trust will opt in to the Risk Protection Arrangement (RPA) for Academy Trusts with each Academy insuring any additional risks not covered by the RPA independently with a commercial insurer if required.

7.3 The Head of Finance of each Academy will review the insurance needs of their Academy annually and liaise with the Central MAT team where appropriate to ensure that specific arrangements remain appropriate.

7.4 The Local Governing Body of each Academy will periodically consider whether to insure risks that are not covered by the RPA. The cost of premiums for any additional cover should be met from the Academy's delegated budget.

7.5 The Head of Finance of each Academy will be responsible for ensuring that the Local Governing Body are made aware of all new risks, and all incidents which may give rise to an insurance claim (e.g. accident, theft etc.).

7.6 Any potential or actual insurance claims should be reported immediately by an Academy to the insurers, their Local Governing Body and the Trust CFO.

Computer Systems

- 7.7 The Board of Trustees recognise the importance of protecting computerised financial management systems and the data held therein. The CFO will ensure that the Trust is registered in accordance with the Data Protection Act 2018.
- 7.8 The Head of Finance in each Academy and the Central MAT team will ensure that effective backup procedures are in place and that all back-up disks or tapes are stored securely.
- 7.9 Access to Trust and Academy management computer systems will be limited to authorised staff. These staff will use passwords which should not be disclosed and should be changed regularly. Only authorised software will be used to prevent the import of computer viruses. Staff will only have access to those modules appropriate to their duties.
- 7.10 Each Academy will have an appropriate IT user policy in place and agreements in place for both staff and pupils using the computer systems.

Security of Stocks and Other Property

- 7.11 The Head of Finance in each Academy is responsible for the care and custody of all assets within the Academy and will ensure procedures are in place for the maintenance and proper security for all buildings, vehicles, plant, stocks, stores, furniture, equipment, keys and cash.
- 7.12 The Head of Finance in each Academy will ensure that a register of assets / inventory is maintained in accordance with the provisions of the current Academies Financial Handbook. Inventories will be checked as appropriate and any discrepancy shall be investigated.
- 7.13 An inventory should: -
- form an important part of the Academy's procedures for ensuring that staff take responsibility for the safe custody of assets;
 - enable Academy management to undertake independent checks on the safe custody of assets, as a deterrent against theft or misuse;
 - help the Academy to manage the effective utilisation of its assets and to plan for their replacement;
 - support insurance claims in the event of fire, theft or other losses.
- 7.14 The CFO will advise the Head of Finance in each Academy on the Asset Management reporting required by the ESFA, and the financial accounting of asset depreciation.

8. GENERAL

Register of Business Interests

- 8.1 The Board of Trustees, members of Local Governing Bodies and subcommittees and Trust staff all have a responsibility to avoid any conflict between their business and personal interests and affairs and interests of the Trust. A Register of Business Interests will be maintained for Board Members, Local Governing Bodies and subcommittees and staff with an influence over spending decisions.

- 8.2 Each register will include all business interests such as directorships, share-holdings and other appointments of influence within a business or other organisation, which may have dealings with the Trust. The disclosures should also include business interests of relatives and other individuals who may exert influence.
- 8.3 The Clerk to the Board, on behalf of the Board of Trustees must maintain a register of pecuniary / business interest forms for each member of the Board of Trustees and the CEO recording business interests. The register must be kept up to date with notification of changes and through a recommended annual review of entries. The Board of Trustees will ensure that all members of staff are aware of the responsibilities for declaring any links or personal interests which they have with regard to contractors and suppliers. The Head of Finance in each Academy will maintain, in a suitable form, a record of the details of those members of staff who declare any links or personal interests which they have with contractors and suppliers.

Gifts and Hospitality Register

- 8.4 The gift and receipt of gifts and hospitality is addressed in the Trust's Gifts and Hospitality policy.
- 8.5 A register will be maintained by the Head of Finance in each Academy to record all particulars of gifts and hospitality.

APPENDIX A - LOCAL LEVELS OF AUTHORITY FOR PURCHASING

[FOR DECISION AND APPROVAL BY LOCAL GOVERNING BODIES]

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CITY OF LONDON ACADEMIES TRUST

PROCUREMENT AND TENDERING POLICY

| | |
|------------------------------|--------------------------------------|
| Responsibility: | Chief Financial Officer |
| Updated: | May 2017 <u>July 2019</u> |
| Approved by Board: | 5 July 2017 Reviewed 18 July 2018 |
| Next Review Date: | July 2019 |

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1 INTRODUCTION

This policy applies to the City of London Academies Trust ("the MAT", or "the Trust").

The Trust is required to comply with the current [Academies Financial Handbook](#), Funding Agreements with the Department for Education (DfE), any DfE guidance including academy procurement resources and the [Public Contracts Regulations 2006](#) (the Regulations). Under the Trust's Funding Agreements and as a registered charity, the board of trustees has specific obligations to ensure value for money.

It is important to note that the Trust is the sole legal entity which can enter into contracts for itself and any of its academies. The academies themselves are not separate legal entities and any contracts awarded by individual academies will be binding on the Trust. All spend is recorded by the Trust to comply with DfE audit requirements.

This policy should be read in conjunction with the following other Trust policies:

- Finance Policy
- Scheme of Delegation
- Gifts and Hospitality

2 BASIC PRINCIPLES

This policy applies to any contract for services or supplies which results in a payment being made by the Trust or an academy.

The basic principle is that procurement must deliver value for money to the Trust.

All bidders in a competition ("Bidders") should be treated in a way which ensures equality of treatment, non-discrimination and transparency.

All Bidders must be given the same information at the same time, and no Bidder should be treated more favorably than another;

There must be clear and transparent timescales, requirements, specifications and deadlines to comply with any competition.

Who can buy?

Although budgets are delegated to individual academies, not all employees of the Trust can buy for the Trust. The procedures for revenue and capital purchasing (to include delegating budgets to budget holders, raising orders for goods and services, processing invoices and credit notes and payment of suppliers) will be defined locally at each Academy ensuring appropriate levels of authority, required approvals and segregation of duties, and accurate recording of all transactions including accruals and commitments.

Exemptions to this document

This document must be followed in all but exceptional circumstances.

Some types of arrangements fall outside of the procurement rules, such as employment contracts. This may also include some types of Special Education Needs provision, but this should be checked with the Trust Chief Financial Officer (CFO) for clarification as required.

Any exemptions should only be relied upon with express written consent from the CFO and the Trust Chief Executive Officer (CEO). The CFO should be consulted if there is any uncertainty about any procurement, and before any orders are placed or contracts signed on behalf of the Trust.

Actions before purchase

Whenever practical, for spends above £10,000, checks should be made with the other academies in the Trust to establish whether they have a need for a similar purchase. If so, then the 'spend' must be included within the same contract.

Consider how the purchase is going to be sourced. Can the Trust use an existing framework agreement (see below), or can another academy meet the requirement?

As set out below, wherever possible and if suitable, existing framework agreements (particularly for high value contracts) should be used, in preference to a new procurement exercise.

As a minimum requirement, you must have a written specification or requirement statement setting out clearly what you want to buy. This means establishing in advance what you want the goods, or services to deliver, together with the quantity, maximum cost and delivery / completion requirements.

Using existing framework arrangements

Wherever possible and in accordance with the current Academies Financial Handbook and DfE policy, the Trust should avoid running its own procurement processes, and instead use an existing framework arrangement.

From time to time the Trust may also set up its own framework agreements which can be used by all academies. Such frameworks will be notified to academies from time to time.

Where can I find a framework?

Check with the following organisations to see if there is an existing contract /framework agreement for the goods or service you want to buy:

[Crown Commercial Service \(CCS\)](#)

[The Crescent Purchasing Consortium \(CPC\)](#)

[Pro5](#)

[ESPO](#)

[YPO](#)

[There may also be other frameworks available which are suitable for academies. The CFO should be consulted before using a framework provided by an organization not listed above.](#)

Registration with some of these organisations may be necessary, but this is a simple process. More information can be found on the DfE website:

In each case, it is important that:

- The Trust is entitled to call off from the arrangement. You should check in each case:
- The specification and the contract terms are suitable for your particular needs. The terms and conditions from frameworks are generally set in advance and cannot be changed beyond the mechanism set out in the framework

The framework's guidance must be followed, particularly about how orders should be placed. This will either generally permit (a) direct awards of contracts to a supplier and/or (b) mini competitions between all suppliers with capacity to deliver the requirement on the framework.

3 APPROVAL LIMITS

Different rules apply depending on the value of the purchase you want to make.

The Trust's current spend thresholds are set out below.

| Value of spend_ (exclusive of VAT) | Which rules apply? | Tender Process Required for Academies | Tender process Required for Central MAT function |
|------------------------------------|--------------------|--|--|
| Up to £2,500 | Low Value | Best Value principles applied | |
| £2,501 to £5,000 | Low Value | Minimum 2 written quotations | |
| £5,001 to £10,000 | Low Value | Minimum 3 written quotations | |
| £10,001 to £50,000 | Medium Value | Business Case with minimum 3 written quotations. Approval process determined by Terms of reference of Local Governing Body and its subcommittees | Business Case with minimum 3 written quotations. Approved by CEO. |
| £50,001 to £100,000 | High Value | Formal tender process. Approval process determined by Terms of reference of Local Governing Body and its subcommittees. | Formal tender process led by CFO. Recommendation presented to MAT Board of Trustees for approval of spend. |

| | | | |
|-------------------------------------|--|---|--|
| Over £100,000 up to OJEU thresholds | High Value | Formal tender process approved by Local Governing Body with additional approval from MAT Board of Trustees. | Formal tender process led by CFO. Recommendation presented to MAT Board of Trustees for approval of spend. |
| Over OJEU threshold | Full OJEU tender process with recommendation presented to MAT Board of Trustees for approval of spend. | | |

Valuing your contract

It is important that contracts are properly assessed for value. In particular, you must not deliberately divide one contract into smaller contracts with the effect of avoiding the procurement rules.

The contract value is based on the total value of the 'spend' over the life of the contract which is the subject of the procurement. The requirements of all academies should be combined into one procurement if they are the same or similar.

If you do not know what your exact spend is going to be over the life of the contract, you must take an average annual spend and multiply by the estimated duration of the contract.

The estimated duration of the contract must include any extensions or options to renew.

Low Value transactions (up to £2,500)

For all transactions of a similar type with a total value of up to and including £2,500 exclusive of VAT, competitive quotes are not needed and the best value approach should be taken.

Academies must follow their own purchasing rules, and comply with their own budget delegation and segregation of duties requirements.

Low Value transactions £2,501-£5,000

For transactions between £2,501 and £5,000 for Goods and Services at least 2 written quotations should be obtained; the Head of Finance in the Academy will then compare prices and options. A Best Value Form should be completed.

Low Value transactions £5,001-£10,000

For transactions between £5,001 and £10,000 for Goods and Services, at least 3 written quotations should be obtained; the Head of Finance will then compare prices and options. A Best Value Form should be completed

Medium Value transactions from £10,001 up to £50,000

For medium value transactions, a business case and three written quotes must be submitted for the purchase approval.

The business case must include as minimum:

- Detailed Specification of Requirements;
- Benefits to the organisation and best value for money;
- Reason for the choice of preferred supplier; and
- The outcome of the evaluation process.

For Low and Medium Value transactions an Academy may seek approval for a contract or purchase with a lower number of quotes/tenders than specified in the policy in the following circumstances:

- a) where it has not been practicable to obtain the required number of quotations, e.g. because one or more suppliers have refused to quote
- b) where specialist expertise or products are required and are only available from a very limited number of suppliers
- c) works, supplies or services are urgently needed for the immediate protection of property or to maintain the immediate functioning of the school
- d) a funding/grant provider has specifically stipulated that a particular supplier be used for the procurement of goods and services to complete the project.

However, in instances a, b or c for Medium Value transactions a minimum of two written quotes/tenders must still be obtained. In ALL four circumstances, the reasons for seeking approval with a lower number of quotes/tenders must be fully documented as part of the approval process.

High Value transactions £50,001 to OJEU Thresholds

High value transactions will be subject to a business case and formal tender process as described below.

4 FORMAL TENDER PROCESS

FORMS OF TENDER

There are four forms of tender procedure and the circumstances in which each procedure should be used are described below.

Open Tender: This is where all potential suppliers are invited to tender. The budget holder must discuss and agree with the Head of Finance how best to advertise for suppliers e.g. general press, trade journals or to identify all potential suppliers and contact directly if practical.

This is the preferred method of tendering, as it is most conducive to competition and the propriety of public funds.

Restricted Tender: This is where suppliers are specifically invited to tender. Restricted tenders are appropriate where:

- there is a need to maintain a balance between the contract value and administrative costs
- a large number of suppliers would come forward or because the nature of the goods are such that only specific suppliers can be expected to supply the Trust's or Academy's requirements
- the costs of publicity and advertising are likely to outweigh the potential benefits of open tendering

Competitive Dialogue Process is an exceptional procedure and should only be used where the contracting authority wishes to award a particularly complex contract. A particularly complex contract means a contract where the contracting authority is not objectively able to:-

- define 'the technical means' in terms of a British, European or international standards or technical specifications; and/or in relation to the performance or functional requirements ; or
- specify the legal and/or financial make-up of a project.

Negotiated Tender: The terms of the contract may be negotiated with one or more chosen suppliers. This is appropriate in specific circumstances:

- the above methods have resulted in either no or unacceptable tenders
- only one or very few suppliers are available
- extreme urgency exists
- continuation with the existing supplier is justified

PREPARATION FOR TENDER

Prior to embarking on a procurement exercise consideration should be given to the criteria by which tenders will be assessed. These may include financial aspects (ensuring full costs are considered), technical performance, supplier reputation, experience and other value added aspects. Each of the criteria can be weighted appropriately in the light of the importance attached to those particular aspects.

Full consideration should be given to:

- objective of project
- overall requirements
- Best value for money
- Benefits to the academy (financial/non-financial)
- Detailed specification of the requirement
- Technical skills required
- Market testing
- After sales service requirements
- Form of contract.

It may be useful after all requirements have been established to rank requirements (e.g. mandatory, desirable and additional) and award marks to suppliers on fulfilment of these requirements to help reach an overall decision.

INVITATION TO TENDER

If a restricted tender is to be used then an invitation to tender must be issued. If an open tender is used an invitation to tender may be issued in response to an initial enquiry.

An invitation to tender should include the following:

- introduction/background to the project
- scope and objectives of the project
- technical requirements

- implementation of the project
- terms and conditions of tender
- form of response

Bidders requesting more information must be sent a tender pack. This should contain a covering letter outlining the tendering process and instructions, the requirement and needs, together with any additional information required from the bidders. This will need to be bespoke in each case but could include, for example:

- details of pricing;
- details of method statements;
- details of product characteristics;
- the evaluation criteria which will be used to evaluate the tenders received, including disclosure of the criteria, sub criteria and weightings that will be applied to select the best Bidder(s); and
- a draft set of contract terms and conditions.

TENDER ACCEPTANCE PROCEDURES

The invitation to tender should state the date and time by which the completed tender document should be received by the Academy/Trust. Tenders should be submitted in plain envelopes clearly marked to indicate they contain tender documents. The envelopes should be time and date stamped on receipt and stored in a secure place prior to tender opening. Tenders may be provided in hard copy, on CD ROM or via email. In the case of hard copies and CD ROMs, they must bear no external markings to identify the tenderer.

Tenders received after the submission deadline can be declined.

TENDER OPENING PROCEDURES

All tenders submitted should be opened at the same time and the tender details should be recorded. Two persons should ideally be present for the opening of tenders and should include the Head of Finance.

A separate record should be established to record the names of the firms submitting tenders and the amount tendered. This record must be signed by the people present at the tender opening.

TENDER EVALUATION AND DECISION

When evaluating tenders consideration should be given to:

Cost - Care should be taken to ensure that competing suppliers have quoted for the same service. Where discrepancies arise, suppliers should be contacted to amend their quotes where necessary to ensure a fair comparison between suppliers. There may be scope for negotiation on cost if a particular supplier is preferred for quality/suitability reasons, but is not the cheapest.

Quality/Suitability - Due regard should be given to the qualifications and experience of the contractor, and the quality and suitability of the goods/services offered. Where necessary, references should be sought from other customers.

The evaluation process should involve at least two people. Those involved should disclose all interests, business and otherwise, that might impact upon their objectivity. If there is a potential

conflict of interest then that person must withdraw from the tendering process.

Those involved in making a decision must take care not to accept gifts or hospitality from potential suppliers that could compromise or be seen to compromise their independence.

Full records should be kept of all criteria used for evaluation, and a one page summary report prepared for approval by the relevant party, summarising the options and giving a recommendation.

Where required by the conditions attached to a specific grant from the DfE, the department's approval must be obtained before the acceptance of a tender.

The accepted tender should be the one that is most economically advantageous.

AUDIT TRAIL

A clear audit trail must be kept for all purchases. The level of detail required will increase with the value of the procurement. The written record must include:

- who was responsible for making the decision to procure, and details of their decision making process;
- full minutes of any meetings at which the procurement was discussed;
- who was responsible for evaluation of tenders, and details of the evaluation, if applicable;
- who was responsible for receiving and checking the goods or services and for authorising and making payment;
- details of the purchase itself, for example, what was purchased, from whom and for what price; and
- be available to the Accounting Officer at all times for audit purposes as required.

In each case, the written record must include copies of all original documentation used during the procurement such as tender packs, quotations, contracts and invoices.

TENDERING FOR MAJOR CONTRACTS VIA THE OFFICIAL JOURNAL OF THE EUROPEAN UNION (OJEU)

In rare circumstances the Trust or an individual Academy may tender for supplies where the value exceeds the EU procurement threshold. For tenders above this threshold, the Trust would be required to either tender for the work via an EU compliant purchasing consortium, or by inviting tenders on the OJEU website. In both cases the principals above remain, but when advertising directly with OJEU, there are certain additional procedures which need to be followed.

The Trust must first register as a buyer on the OJEU website. A tender specification can then be uploaded, giving a minimum time of 52 days in which to respond. Once all tenders have been received and evaluated, and a decision made at by the Trust, a "decision notice" or "standstill letter" must be issued to all candidates, giving the following information:

- the award criteria used
- reasons for the decision including the characteristics and relative advantages of the successful tender
- the scores obtained by the recipient of the letter and the successful contractor
- a statement of when the standstill period is to end. If the letter is sent by electronic means, this

period will be 10 days

Once the standstill period has ended, the contract can be awarded officially. A contract award notice must be issued in the OJEU within 48 days of the award of the contract.

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APPENDIX 1 – BEST VALUE FORM FOR LOW VALUE COSTS

| | | | |
|---|---------|-------|---|
| Detailed overview of goods and/or services required | | | |
| Existing Alternatives within the Trust | | | |
| Why needed and benefits to the Trust | | | |
| Anticipated cost | | | |
| Summary of quotes received | 1 | 2 | 3 |
| Supplier | | | |
| Cost | | | |
| Comments | | | |
| Reason for choice if not cheapest (include separate page if required) | | | |
| Prepared by: | Signed: | Date: | |
| Approved by: | Signed: | Date: | |
| Approved by: | Signed: | Date: | |

Please attach copies of all quotes



CITY OF LONDON ACADEMIES TRUST

GIFTS AND HOSPITALITY POLICY

| | |
|------------------------------|--------------------------------------|
| Responsibility: | Chief Financial Officer |
| Updated: | May 2017 <u>July 2019</u> |
| Approved by Board: | 5 July 2017 Reviewed 18 July 2018 |
| Next Review Date: | July 2019 |

This Gifts and Hospitality Policy is intended to assist all relevant persons in following the various Academy guidance and relevant legislation on the giving and receipt of hospitality or gifts

The policy covers both the receipt and delivery of hospitality and gifts to:

- Employees of the Trust
- Trustees
- Members of the Local Governing Bodies (LGBs) or subcommittees of any of the Academies in the Trust

The term 'gifts' is deemed to include:

- Goods provided for personal or other private use
- Personal services
- Loans of equipment, vehicles etc for personal use
- The provision of goods and/or services at preferential cost (including loans of money) for personal or other private use.

The term 'hospitality' is deemed to include the offer or receipt of:

- Food and drink
- Travel
- Accommodation
- Entertainment

Legal Framework & National Guidance

Prevention of Corruption in the Public Sector

Under the Prevention of Corruption Acts, 1906 and 1916, it is an offence for employees corruptly to accept any gifts or consideration as an inducement or reward for,

- Doing, or refraining from doing, anything in their official capacity or
- Showing favour or disfavour to any person in their official capacity

Under the 1916 Act, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed to have been received corruptly unless the employee proves to the contrary.

General Principles

The City of London Academies Trust is responsible for ensuring the guidelines are brought to the attention of all employees, trustees and members of LGBs, and that a framework is put in place to ensure they are effectively implemented.

It is the responsibility of staff, trustees and members of LGBs and subcommittees to ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their duties at the Trust or any individual Academy. This applies to both those who commit resources directly (e.g. the ordering of goods or services), or indirectly (e.g. by policy development).

Each employee, trustee and member of a LGB or subcommittee has a personal responsibility to declare hospitality and gifts in accordance with the policy. Non-compliance with the policy by a member of staff may lead to action under the Disciplinary or other relevant policy. Staff also need to

be aware that a breach of the provisions under legislation may make them liable to prosecution and may also lead to loss of employment and pension rights.

Any hospitality or trivial gifts accepted should be entered on a Gifts and Hospitality Register maintained by the Head of Finance in the relevant Academy.

Receipt of Hospitality

General Principles

Gifts, hospitality or benefits of any kind from a third party perceived as compromising personal judgement or integrity should not be accepted. Employees, trustees and members of LGBs or subcommittees must ensure that they do not use their official position to further their private interests or those of others. In relation to this, all forms of private interests in relation to the Trust or any Academy must be declared. Purchasing decisions and contract negotiations must be based solely on achieving the best value for money for the tax payer.

Any hospitality accepted of a value exceeding £10 should be recorded on the Gifts and Hospitality Register.

Exceptional Cases

It is recognised that there are exceptional cases where refusal of a gift will clearly offend a donor, cause embarrassment or appear discourteous. In these cases, the donor should be advised that the permission of the Trust or Academy management will have to be sought as to whether or not the gift can be accepted. Decisions will then be taken by the Trust or Academy management on whether to

- allow the recipient to accept the gift; or
- return the gift to the donor with a suitably worded letter explaining why the gift cannot be accepted; or
- use or dispose of it, if possible, in or by the Trust or the Academy.

Provision of Hospitality

The provision of hospitality by employees, trustees or members of LGBs or subcommittees to representatives of other organisations should be modest and appropriate in the circumstances.

Provision of hospitality by the Trust or any Academy to employees or others would not normally be appropriate except in the case of working lunches in the course of meetings, training courses or workshops.

The use of Trust monies for hospitality and entertainment at conferences and seminars should be carefully considered. The Trust and each Academy needs to be able to demonstrate good value in incurring public expenditure.

In all cases where hospitality is provided ~~using Restricted Funds~~, the hospitality must not include alcohol.

Note that where individuals have accepted hospitality from another organisation, for example, in order to fulfil a speaking engagement this should be of a value equivalent to that normally provided by the Trust, and there is no further entitlement to claim expenses from the Trust or any Academy.

Hospitality and meetings

Hospitality must be secondary to the purpose of the meeting and the level must be appropriate and in proportion to the event. The costs involved must not exceed the level which the recipients would normally adopt when paying for themselves at such an event or that which could be reciprocated by the Trust or an Academy.

Business - gifts

Acceptance of gifts

Employees, trustees and members of LGBs or subcommittees should not accept gifts which may be, or are capable of being, construed as influencing a purchasing decision or casting doubt on the integrity of such decisions.

Personal gifts offered by parents and students to members of staff, for example, at holiday or end of term times, should be recorded on the Gifts and Hospitality Register if the estimated value is in excess of £10.

In certain instances, for example, where a class contributes collectively, gifts greater than a value of £10 up to a maximum value of £250 may be accepted but must be recorded on the Gifts and Hospitality Register.

Commercial or corporate business gifts and donations made to the Trust or any individual Academy, other than items of very small intrinsic value, should be reported separately to the Head of Finance at the Academy.

Presents and donations to an Academy or a Department therein should be reported and added to the register.

All gifts (other than items of very small intrinsic value) or hospitality received shall be acknowledged in writing and a copy of that acknowledgement shall be held on file by the Head of Finance at the Academy.

Giving of gifts

Charitable donations should not be given by any member of staff, trustee, LGB member of subcommittee member, on behalf of the Trust or any individual Academy. Alcohol should not be given by any member of staff, trustee, LGB member of subcommittee member, on behalf of the Trust or any individual Academy.

Monetary gifts

The acceptance or giving of cash is not acceptable in any circumstances.

Records of Hospitality and Gifts

All gifts and hospitality must be recorded on the Gifts and Hospitality Register held by the Head of Finance in each Academy. When in doubt employees, trustees and members of LGBs or subcommittees are advised to record any matters concerning gifts and hospitality which may be covered by this policy to ensure that an individual does not expose themselves to risk.

The information required for the hospitality and gifts register is set out below

- date of entry

- name of recipient / provider
- job title
- nature and purpose of hospitality or gift received or provided
- action taken, accepted/refused /returned
- estimated value

Submissions should be made as soon as is practically possible.

The Hospitality register will be available to the External Auditors.

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City of London Academies Trust
Charging and Remissions Policy

| | |
|------------------------------------|--|
| Aims: | <ul style="list-style-type: none"> To provide free education for all pupils/students in compliance with the relevant regulatory requirements To supplement the core teaching activity with a broad variety of learning experiences To provide the basis for requesting a fair level of charges where appropriate to cover the costs of specific activities or trips/visits To ensure that all pupils/students are given the opportunity to benefit from such learning experiences and are not restricted on financial grounds <p><i>This will be achieved by:</i></p> <ul style="list-style-type: none"> Providing access to a broad and rich learning experience for all pupils/students regardless of their family financial circumstances Utilising appropriate parental/carer contributions received to maximise the range of learning experiences on offer to the pupils/students Providing a clear and transparent system for seeking contributions from parents/carers |
| Targets/ Outcomes | <ul style="list-style-type: none"> To receive a contribution towards the cost of providing non-core activities where appropriate from those families who are able Information on regular specific activities and charges will be made available to parents/carers. Parents/carers will be advised of charges for ad hoc trips and visits as they occur Parents/carers who receive income support will be eligible for exemption from charges where reasonable, as determined by the Principal/Headteacher Parents/carers are not obliged to contribute to specific activities, but should be aware that on occasions, such events may have to be cancelled if they are not financially viable The basis for any charges levied will be clear and transparent The Trust will not seek to generate a profit from such learning related activities |
| Definition: | <ul style="list-style-type: none"> Charging and Remissions is the process whereby the Trust and each individual Academy states the way in which it will deal with the cost of providing supplemental learning activities which fall outside of the core legal requirement |
| Roles and Responsibilities: | |
| Pupils/students will: | <ul style="list-style-type: none"> Be encouraged to participate in a variety of realistic additional learning experiences, irrespective of their families' ability to meet the financial cost |
| All staff will: | <ul style="list-style-type: none"> Actively seek to provide and support a range of realistic additional learning experiences to all their pupils/students Communicate the contribution required to participate in such programmes and manage the collection of parental/carer contributions Deal sensitively with parents/carers who may not wish to pay or be able to pay for trips or activities Based upon the level of charges and remissions, determine whether the activity in question is able to proceed |
| Parents and carers will: | <ul style="list-style-type: none"> Be aware of and adhere to the statement of standard charges that is provided to them Inform the Academy promptly if they are unable or do not wish to contribute to a trip or event. In the case of family hardship, parents/carers may apply in confidence to the Principal/Headteacher for exemption Support the Trust and individual Academy in looking to provide an appropriate level of experiences for their children, understanding that some events must be financially viable |
| The SLT in each Academy will: | <ul style="list-style-type: none"> Consider cases of family hardship Implement, monitor and review the policy with governors |
| Related Docs | For each individual Academy: Family-Academy Agreement, Statement of charges, Charging and remission procedures |

| | Responsibility | Approved by Board: | Last review | Review By: |
|--|-----------------------|---------------------------|--------------------|----------------------------------|
| | CFO | 5 July 2017 | 18 July 2018 | Staff, Parents/Carers, Governors |

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RESERVES POLICY

| | |
|--------------------|-------------------------|
| Responsibility: | Chief Financial Officer |
| Approved by Board: | 13 December 2018 |

Background

Maintaining an appropriate level of financial reserves is considered essential in protecting the Trust and each individual academy from financial risk generated by, for example;

- income reduction due to Government funding changes
- unexpected falls in pupil/student numbers
- cash flow issues due to delays in receipt of funding
- emergencies

In general it is considered prudent to maintain a level of useable reserves sufficient to cover unexpected and unplanned events. At the same time, the Trust wishes to ensure that funding is used actively to benefit the pupils/students in each of the academies and so use available reserves to enhance educational provision.

Reserves of the whole multi-academy trust

Each year the Trustees will review the reserve levels of each Academy and the Trust as a whole during the reporting period and in the annual audited financial statements to ensure that a prudent level of reserves is maintained. This review will encompass the nature of income and expenditure streams, the need to match income with commitments, and the nature of reserves and will take in to account:

- two month's salary bill
- each Academy's annual budget
- the need for any large project spend such as facilities development or building condition needs
- any uncertainty, turbulence or expected reduction in funding arrangements
- anticipated funding over the next three years.

The Trustees have determined that the appropriate level of desired free reserves for the whole Trust should be equivalent to two month's operational expenditure (excluding the fixed assets fund) where possible, with the Trust aiming for a minimum required level equivalent to one month's operational expenditure. The reason for this is to provide sufficient working capital to cover delays between spending and receipt of grants.

Reserves of each individual academy

Each year the Local Governing Body in each Academy will review the reserve levels of the Academy during the reporting period to ensure that a prudent level of reserves is maintained. This review will encompass the nature of income and expenditure streams, the need to match income with commitments and the nature of reserves and will take in to account:

- two month's salary bill
- the Academy's annual budget
- the need for any large project spend such as facilities development or building condition needs
- any uncertainty, turbulence or expected reduction in funding arrangements

- anticipated funding over the next three years.

The Trustees have determined that the appropriate level of desired free reserves for each individual academy should be equivalent to two month's operational expenditure (excluding the fixed assets fund) where possible, with each academy aiming for a minimum required level equivalent to one month's operational expenditure as described above.

Use of reserves

Each academy will retain its own surplus or deficit generated each financial year and the allocation and use of reserves held by each academy will be for its local governing body to determine, subject to:

- The requirements of the Trust's Finance Policy and Procurement and Tendering Policy;
- Exceptional needs of other academies within the Trust;
- The Trust Scheme of Delegation; and
- Approval of the whole Trust budget and Trust annual audited financial statements by the Board of Trustees.

Exceptional needs of other academies within the Trust

In exceptional circumstances the Trustees may approve the transfer of reserves and/or cash balances from one academy to another to meet operational or capital requirements. Any transfer will be subject to the submission of a full business case to the Board of Trustees for formal approval to include:

- Value of reserves and/or cash to be transferred to another academy
- Details of why a transfer is required and why the issues were not reasonably anticipated and managed by the academy in need
- If the transfer is to support an academy in deficit; a deficit recovery plan illustrating how the academy will re-establish a surplus position, with a timescale, and how the reserves/cash will be repaid to the donor academy
- Confirmation that the transfer will not create operational difficulties for the donor academy.

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CITY OF LONDON ACADEMIES TRUST

INVESTMENT POLICY

| | |
|--------------------|--------------------------------------|
| Responsibility: | Chief Financial Officer |
| Updated: | July 2019 |
| Approved by Board: | 5 July 2017 Reviewed 18 July 2018 |

Purpose and scope

The purpose of this Investment Policy is to set out the processes by which the Trustees will meet their duties under the Trust's Articles of Association and current Academies Financial Handbook issued by the ESFA to invest monies surplus to operational requirements in furtherance of the Trust's charitable aims and to ensure that investment risk is properly and prudently managed.

Objectives

The investment objectives are:

- to achieve best financial return available whilst ensuring that security of deposits takes precedence over revenue maximisation.
- To only invest funds surplus to operational need based on all financial commitments being met without any of the Trust's bank accounts becoming overdrawn.
- By complying with this policy, all investment decisions should be exercised with care and skill and consequently be in the best interests of the Trust, commanding broad public support.

Investment strategy

Each academy will make its own investment decisions in accordance with:

- The Trust Scheme of Delegation
- The requirements of this Investment Policy
- The Trust Finance Policy and Procurement and Tendering Policy
- The terms of reference of the Academy's Local Governing Body and its subcommittees

Investment risk will be managed through asset class selection and diversification to ensure that security of deposits takes precedence over revenue maximisation. The Trust's policy is to invest funds in risk-free and immediately accessible deposit accounts with the Trust's banking provider. If sufficient reserves are available an Academy may seek to invest in other low-risk accounts subject to approval by the Trust's Finance, Audit and Risk Committee. Investments for a fixed term should not normally exceed one year in order to provide flexibility for the following year's plans, unless a clear rationale is provided for exceeding one year to the benefit of the Academy and the Trust.

Decisions on how much to invest and how long to invest for will be based on operational requirements, demonstrated by cash flow forecasts produced by the Academy's Head of Finance. Each Academy should aim to have a balance in its current account to be at least sufficient to meet two months' worth of expenditure and a sufficient balance must be held in the current account so that the Academy's financial commitments can always be met without the bank account going overdrawn. The size of the balance will be determined by a forecast of future need and kept under review.

The Head of Finance will periodically (at least annually) review interest rates and compare with other investment opportunities to determine whether it is appropriate to invest funds with other providers for specified periods up to 12 months

Monitoring and review


The Head of Finance will monitor the Academy's cash position and cash flow forecast and report investments held and the performance of investments against objectives to the Local Governing Body (or relevant subcommittee) at appropriate intervals, depending on the terms of the investments. For example if investments are held one year then an annual report is appropriate. A report on investments held and investment performance will also form part of the annual Financial Scrutiny Meetings for each Academy.

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Whistle Blowing Policy

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| Aims: | <ul style="list-style-type: none"> • To create an honest and open culture whereby individuals feel able to speak freely on a range of matters • To encourage individuals to raise serious concerns without fear of reprisal or victimisation • To support the right of the Trust, each Academy and employees to protect themselves against inappropriate allegations • To support and foster the spirit of trust and respect in line with the Trust's values • To ensure the Trust employees all operate with a common set of high values and are self-monitoring <p><i>This will be achieved by:</i></p> <ul style="list-style-type: none"> • In an honest and open environment, developing a culture of trust that all concerns raised will be followed up quickly and thoroughly |
| Targets/ Outcomes | <ul style="list-style-type: none"> • Create suitable guidelines for all parties in terms of expected conduct, ethics and the values of the Trust • Establish safe routes for concerns to be communicated, offering fair protection to those who raise and those who are the focus of such concerns • Create a fair and impartial investigative procedure to consider and respond to concerns raised in a timely manner • Malicious and unfounded allegations are avoided |
| Definition: | <ul style="list-style-type: none"> • Whistle blowing is the reporting by employees or ex-employees of wrong doing or other illegal or unethical acts undermining the ethos of the Trust or any individual academy on the part of either other employees, management, any local governing body or the Trust board, without fear of reprisal. Employees may, for this purpose, include contractors and agency workers. • That one or more of the following matters has happened, is happening or is likely to happen in the future: <ol style="list-style-type: none"> 1. A criminal offence 2. The breach of a legal obligation 3. A miscarriage of justice 4. A danger to the health and safety of any individual 5. Damage to the environment 6. Breach of the Trust's Code of Conduct 7. Deliberate attempt to conceal any of the above. • Whistleblowing is not appropriate for dealing with issues covered by other policies and procedures such as: <ul style="list-style-type: none"> ○ Employment disputes ○ Pupil complaints ○ Safeguarding |
| Roles and Responsibilities: | |
| Students will: | <ul style="list-style-type: none"> • Report appropriate concerns in line with the relevant academy's established students' complaints procedure |
| All employees will: | <ul style="list-style-type: none"> • Actively commit to the honest and open culture engendered by the Trust and each academy and report appropriate concerns in line with the specified procedure of each academy • Seek to discuss and resolve concerns promptly to maintain the positive spirit and values of the Trust and each academy • Raise concerns at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future • Not use whistleblowing falsely or maliciously • Adhere to the requirement not to publicly disclose the Trust or any academy's confidential information, unless the Trust or academy fails properly to consider or deal with an issue in line with the specified procedure |
| Team leaders/Line Managers will: | <ul style="list-style-type: none"> • Listen carefully and considerately to concerns and give appropriate feedback • Emphasise their support for an honest and open culture and treat all concerns raised to them diligently and sensitively in line with the relevant procedures |
| Parents and carers will: | <ul style="list-style-type: none"> • Inform the relevant academy if their child has made any complaints or they have genuine concerns relating to a teacher or employee • Support the academy in the fair and balanced implementation of its performance management procedure |
| The Academy SLT will: | <ul style="list-style-type: none"> • Build student and employee confidence in the policy • Investigate escalated concerns diligently and sensitively • Support and not discriminate against concerned employees who apply the whistleblowing procedures, provided any claim is made in good faith • Implement, monitor, review and revise the policy with governors and the Trust board |
| Related Docs: | <p>Students Complaints Procedures, Trust Safeguarding Policy and individual academies' safeguarding procedures, and Trust Grievance and Disciplinary Policies</p> <p>Public Interest disclosure Act 1998</p> <p>GOV.UK - Whistleblowing: Public Concern at Work</p> <p>Individual whistleblowing procedures in place at each Academy</p> |

| | | | | |
|---|---|----------------------|---------------------------------|---|
|  <p>CITY OF LONDON ACADEMIES TRUST</p> | Approval Date: | Monitored By: | Full Review Due: | Review By: |
| | 5 July 2017 Reviewed 18-18 July 2018 <u>and 11 July</u> <u>2019</u> | Trustees | July 20 14 <u>19</u> | Trust, Local Governing Bodies, employees, |

TEMPLATE WHISTLEBLOWING PROCEDURES

Employees may, on a confidential basis seek prior guidance from the Principal/Headteacher if they wish to establish whether any course of conduct on their part or on the part of another employee may amount to wrongdoing under these procedures. Such enquiry shall be kept confidential. The Principal/Headteacher will attempt to provide guidance on the basis of the information provided, but such guidance shall not prejudice the rights of the Academy or any person under these procedures.

1 WHISTLEBLOWING PROCEDURE

- 1.1 Any issue raised will be kept confidential while the procedure is being used.
- 1.2 The Representor (the person raising the concern) should raise their concern with their line manager. This may be done orally or in writing.
- 1.3 However, if the concern relates to the Representor's line manager or any person to whom he or she reports, other than the Principal/Headteacher, the Representor should raise the issue with the Principal/Headteacher;
- 1.4 If the concern relates to the Principal/Headteacher, the Representor should raise the matter with the Chair of the Local Governing Body.
If the concern relates to the Trust Chief Executive Officer, the Representor should raise the matter with the Chair of the Board of Trustees.
- 1.5 The person with whom the matter is raised is referred to as the "Assessor".
The Assessor will:
 - 1.5.1 Interview the Representor as soon as possible within seven working days, in confidence. Early interview will be essential if the concern relates to an immediate danger to loss of life or serious injury or risk to pupils;
 - 1.5.2 Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
 - 1.5.3 Consult with the Representor about further steps which could be taken;
 - 1.5.4 Advise the Representor of the appropriate route if the matter does not fall under this Procedure;
 - 1.5.5 Other than in the case of paragraph 1.4, report all matters raised under this procedure to the Chair of the Local Governing Body.
- 1.6 At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the Academy staff to take notes.
The Assessor may at any time disclose the matter to a professionally qualified lawyer for the purpose of taking legal advice. The Assessor may also discuss the issue, in confidence, to other suitable professionals, such as independent HR consultants or school governance providers in order to assess the nature of the case and to inform the outcome of the investigation.
- 1.7 Promptly within ten working days of the interview, the Assessor will recommend one or more of the following:
 - 1.7.1 The matter be further investigated internally by the Trust or the Academy;
 - 1.7.2 The matter be further investigated by external consultants appointed by the Trust/Academy;
 - 1.7.3 The matter be reported to an external agency;
 - 1.7.4 Disciplinary proceedings be implemented against an employee;
 - 1.7.5 The route for the Representor to pursue the matter if it does not fall within this procedure;
or
 - 1.7.6 That no further action be taken by the Trust/Academy.

- 1.8 The grounds on which no further action is taken include:
- 1.8.1 The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
 - 1.8.2 The Assessor is satisfied that the Representor is not acting in good faith;
 - 1.8.3 The matter is already (or has been) the subject of proceedings under one of the Trust's or Academy's other procedures or policies;
 - 1.8.4 The matter concerned is already (or has been) the subject of legal proceedings, or has already been referred to an external agency.
- 1.9 The recommendation of the Assessor will be made to the Principal/Headteacher. However, should it be alleged that the Principal/Headteacher is involved in the alleged wrongdoing; the recommendation will be made to the Local Governing Body.
- 1.10 The Principal/Headteacher or Chair of the Local Governing Body, as appropriate, will ensure that the recommendation is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Local Governing Body.
- 1.11 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:
- 1.11.1 Where the Assessor is under a legal obligation to do so;
 - 1.11.2 Where the information is already in the public domain; or
 - 1.11.3 On a legally privileged basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- 1.12 The conclusion of any agreed investigation will be reported by the Assessor to the Representor promptly within twenty eight working days of the initial interview.
- 1.13 All responses to the Representor will be made in writing and sent to the Representor's home address.
- 1.14 If the Representor has not had a response within the above time limit or such reasonable extension as the Academy requires, the Representor may go to an appropriate external agency, under paragraph 3, but will inform the Assessor before doing so.
- 1.15 The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

2 MALICIOUS ACCUSATIONS

- 2.1 A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Trust's disciplinary procedure, as well as potentially exposing the Representor to legal liability.

3 INFORMING EXTERNAL AGENCIES


- 3.1 Within the Trust all employees have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust or the academy fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.
- 3.2 Whistleblowing to an external agency without first going through the internal procedure is a breach of the Trust's Code of Conduct. The external agencies which may be used if disclosure is permitted under paragraph 3.1 are:
- 3.2.1 Department for Education (~~DfE/ESFA/EFSA~~). (In these circumstances, the DfE/ESFA will assess whether all school processes have been applied and that the Assessor has done

everything possible to resolve the issue. If this is not the case, the DfE/ESFA will refer the matter back to the Assessor);

- 3.2.2 Member of Parliament;
 - 3.2.3 National Audit Office;
 - 3.2.4 Health and Safety Executive;
 - 3.2.5 Police.
- 3.3 Whistleblowing to the media is not appropriate or permitted in any circumstances.

Freedom of Information Policy

| | |
|------------------------------------|--|
| Aims: | <ul style="list-style-type: none"> To ensure that the Trust and each Academy fosters an environment of openness about its normal business activities, in line with its community engagement aims To fully comply with the Freedom of Information (FOI) Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations (EIR) Act 2004 To follow best practice as laid out by the Information Commissioner's Office (ICO) in the document <i>Freedom of Information Good Practice Guidance</i> To fully assist anyone who has made a FOI/EIR request or proposes to make a request to the Trust or an Academy to the best of our ability |
| Targets/ Outcomes | <ul style="list-style-type: none"> Produce a publicly available publication scheme for the Trust and each individual academy. Provide a substantive response to any request for information within 20 days of the request being received; either providing the information or explaining, as fully as possible, why there will be a delay in providing the information (including an estimated time period for the delay) or why we will not be disclosing the information Formally record all requests for information that fall under FOI/EIR, and whether they were disclosed or not Consult with any other Academy within the Trust, the Trust sponsor or other third party if the information requested originated from them and could impact upon their reputation or commerce |
| Definition: | <ul style="list-style-type: none"> The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities Freedom of Information request – is in writing (including email), has an address for reply (including email) and includes a description of the information required Environmental Information Regulation request – all of the above, plus requests can be made via telephone |
| Roles and Responsibilities: | |
| All staff will: | <ul style="list-style-type: none"> Pass any request for information stored by the Academy to the Principal's PA (or, in the case of the central Trust function, to the Trust CEO's PA) as soon as they receive it. Refer to the ICO decision tree available online Follow the good practice guidance issued by the ICO when dealing with FOI/EIR requests Assist anyone who has made a FOI/EIR request or proposes to make a request to the best of their ability |
| The PA to the Principal/CEO will: | <ul style="list-style-type: none"> Monitor requests received and ensure that responses are provided in a timely and complete manner Request reports are prepared for review with the Local Governing Body or Board of Trustees as appropriate |
| Governors and Trustees will: | <ul style="list-style-type: none"> Monitor and review the effectiveness of the policy Review summary of requests at termly meetings of the Board of Trustees, the Local Governing Body or appropriate sub-committee |
| Related Docs: | Freedom of Information Act 2000 ICO Guide to freedom of information ICO Model Freedom of Information Publication Scheme Trust Data Protection Policy |

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|  CITY OF LONDON ACADEMIES TRUST | Approval Date: | Monitored By: | Full Review Due: | Review By: |
| | 5 July 2017 Reviewed 18 July 2018 <u>and 11 July 2019</u> | Trustees | July 20 21 ¹⁹ | Trust, Local Governing Bodies, employees, |

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Data protection policy

City of London Academies Trust



Approved by:

Board of Trustees

Date: 19 April 2018

Next review due by:

April 2019 or before if appropriate

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1. Aims

The City of London Academies Trust aims to ensure that all personal data collected about staff, pupils, parents, governors, trustees, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the ~~expected~~ provisions of the Data Protection Act 2018 (DPA 2018) ~~as set out in the Data Protection Bill~~.

This policy applies to all personal data, regardless of whether it is in paper or electronic format, and seeks to provide guidance to Trust staff, trustees and governors on the handling of personal data.

2. Legislation and guidance

This policy meets the requirements of the GDPR and the ~~expected~~ provisions of the DPA 2018. It is based on guidance and best practice published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests.

It meets the requirements of the Protection of Freedoms Act 2012 when referring to our use of biometric data.

It also reflects the ICO's code of practice for the use of surveillance cameras and personal information.

In addition, this policy complies with our main and supplementary funding agreements and articles of association.

3. Definitions

| Term | Definition |
|--|---|
| Personal data | <p>Any information relating to an identified, or identifiable, individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none">• Name (including initials)• Identification number• Location data• Online identifier, such as a username <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p> |
| Special categories of personal data | <p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none">• Racial or ethnic origin• Political opinions• Religious or philosophical beliefs |

| | |
|-----------------------------|--|
| | <ul style="list-style-type: none"> • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health – physical or mental • Sex life or sexual orientation |
| Processing | <p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p> |
| Data subject | The identified or identifiable individual whose personal data is held or processed. |
| Data controller | A person or organisation that determines the purposes and the means of processing of personal data. |
| Data processor | A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller. |
| Personal data breach | A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data. |

4. The data controller

The Trust processes personal data relating to parents, pupils, staff, governors, trustees, visitors and others, and therefore is a data controller.

The Trust is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by our Trust, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 Board of Trustees

The Board of Trustees has overall responsibility for ensuring that the Trust and each Academy complies with all relevant data protection obligations.

5.2 Data protection officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring Trust compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the Board of Trustees and, where relevant, report to the board their advice and recommendations on Trust and individual Academy data protection issues.

The DPO is also the first point of contact for individuals whose data the Trust and each Academy processes, and for the ICO.

The DPO shall have the following responsibilities:

- Review of all data processing activities (inventory / mapping):
- Conduct of regular health checks/audits and issue recommendations;
- Assist with data protection impact assessments and monitoring performance;
- Monitoring and advice relating to subject access requests and data breaches;
- Assist the Trust with maintenance of records;
- Monitoring and advice relating to FOI and other information requests;
- Co-operation with, and acting as the contact point for the Information Commissioner's Office, who are the supervisory authority in respect of all data protection matters;
- Act as the contact point for data subjects to deal with requests and complaints;
- Training of Trust staff and workforce.

~~Full details of the DPO's responsibilities are set out in their job description.~~

Our DPO is ~~James England and is~~ Data Protection Education contactable via:

Telephone: 0800 0862018

Email: dpo@dataprotection.education

5.3 Academy representative

Each Academy in the Trust will have a nominated person acting as the representative of the data controller on a day-to-day basis within that Academy. The representative is responsible for the implementation of this Data Protection Policy within their Academy.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy and the policies listed in Section 20.
- Informing the Trust of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
 - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 - If they have any concerns that this policy is not being followed
 - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
 - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
 - If there has been a data breach

- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

6. Data protection principles

The GDPR is based on data protection principles that the Trust must comply with.

The principles say that personal data must be:

- **Processed lawfully, fairly and in a transparent manner** in relation to the data subject and their rights;
- **Collected for specified, explicit and legitimate purposes** and not further processed in a manner that is incompatible with those purposes;
- **Adequate, relevant and limited to what is necessary** in relation to the purposes for which they are processed;
- **Accurate and, where necessary, kept up to date**;
- **Kept in a form which permits identification of data subjects for no longer than is necessary**;
- **Processed in a manner that ensures appropriate security of the personal data**
- **Must NOT be transferred to people or organisations situated in other countries without adequate protection.**

This policy sets out how the Trust aims to comply with these principles.

7. Collecting personal data

7.1 Lawfulness, fairness and transparency

The Trust will only process personal data where it has one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Trust can **fulfil a contract** with the individual, or the individual has asked the Trust to take specific steps before entering into a contract
- The data needs to be processed so that the Trust can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that the Trust, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the Trust or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**. If an Academy offers online services to pupils, such as classroom apps, and intends to rely on consent as a basis for processing, the Academy will get parental consent where the pupil is under 13 (except for online counselling and preventive services).

For special categories of personal data, the Trust will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

Primary Academies

~~If an Academy offers online services to pupils, such as classroom apps, and intends to rely on consent as a basis for processing, the Academy will get parental consent (except for online counselling and preventive services).~~

Secondary and Post-16 Academies

~~If an Academy offers online services to pupils, such as classroom apps, and intends to rely on consent as a basis for processing, the Academy will get parental consent where the pupil is under 13 (except for online counselling and preventive services).~~

Whenever an Academy first collects personal data directly from individuals, the Academy will provide them with the relevant information required by data protection law.

7.2 Limitation, minimisation and accuracy

The Trust will only collect personal data for specified, explicit and legitimate reasons. The Trust will explain these reasons to the individuals when first collecting their data.

If the Trust wants to use personal data for reasons other than those given when the data was first obtained, the Trust will inform the individuals concerned before doing so and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the Trust's Records Retention Policy.

8. Sharing personal data

The Trust may share personal data when there is a lawful basis to do so as defined above in Section 7.1.

~~The Trust may~~ will not normally share personal data ~~data with anyone else, but may do so~~ where:

- There is an issue with a pupil or parent/carer that puts the safety of Trust staff at risk
- The Trust needs to liaise with other agencies – the Trust will seek consent as necessary before doing this
- Trust suppliers or contractors need data to enable the Trust to provide services to its staff and pupils – for example, IT companies. When doing this, the Trust will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with current data protection law
 - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
 - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with the Trust

The Trust will also share personal data with law enforcement and government bodies where it is legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy the Trust's safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised, or consent has been provided

The Trust may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any pupils or staff.

Where the Trust transfers personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

9. Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual

- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, either by letter, email or fax to the DPO. They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the DPO. Subject access requests should be managed in accordance with the Trust Subject Access Request procedure.

9.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

Primary Academies

~~Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils below the age of 12 at our Academies may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.~~

Secondary and Post-16 academies

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils aged 12 and above at our Academies may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

When responding to requests, the Trust:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual the Trust will comply within 3 months of receipt of the request, where a request is complex or numerous. The Trust will inform the individual of this within 1 month, and explain why the extension is necessary

The Trust will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, the Trust may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive or asks for further copies of the same information.

When the Trust refuses a request, the individual will be told why, and told they have the right to complain to the ICO.

9.4 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when the Trust is collecting their data about how the Trust uses and processes it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask the Trust to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

10. Parental requests to see the educational record

There is no automatic parental right of access to the educational record of their child in the Trust academies. However, each academy will consider any parental requests on an individual basis and may choose to provide the information requested subject to the wider requirements of this Data Protection policy and the General Data Protection Regulation.

11. Biometric recognition systems

Where the Trust uses pupils' biometric data as part of an automated biometric recognition system (for example, pupils use ~~finger-prints~~[fingerprints](#) to receive lunches instead of paying with cash), we will comply with the requirements of the Protection of Freedoms Act 2012. (In the context of the Protection of Freedoms Act 2012, a "child" means a person under the age of 18).

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The Trust will get written consent from at least one parent or carer before taking any biometric data from their child and first processing it.

Parents/carers and pupils have the right to choose not to use the Trust's biometric systems. The Trust will provide alternative means of accessing the relevant services for those pupils.

Parents/carers and pupils can object to participation in the Trust's biometric recognition system(s), or withdraw consent, at any time, and the Trust will make sure that any relevant data already captured is deleted.

As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, the Trust will not process that data irrespective of any consent given by the pupil's parent(s)/carer(s).

Where staff members or other adults use the Trust's biometric system(s), the Trust will also obtain their consent before they first take part in it and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the Trust will delete any relevant data already captured.

12. CCTV

The Trust uses CCTV in various locations around the Trust Academy sites to ensure the sites remain safe. The Trust will adhere to the ICO's code of practice for the use of CCTV.

The Trust does not need to ask individuals' permission to use CCTV but makes it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the main office at the relevant Academy.

13. Photographs and videos

As part of our activities, we may take photographs and record images of individuals within our Academies using only academy-owned devices and equipment.

~~*Primary Academies:*~~ The Academy will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. The Academy will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

~~*Secondary and Post-16 Academies:*~~ The Academy will obtain written consent from parents/carers, or pupils aged 18 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where parental consent is needed, the Academy will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where parental consent is not needed, the Academy will clearly explain to the pupil how the photograph and/or video will be used.

Uses may include:

- Within an Academy on notice boards and in magazines, brochures, newsletters, etc.
- Outside of an Academy by external agencies such as the school photographer, newspapers, campaigns
- Online on our Trust and/or Academy websites or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, the Trust will delete the photograph or video and not distribute it further.

When using photographs and videos in this way the Trust will not accompany them with any other personal information about the child, to ensure they cannot be identified.

14. Data protection by design and default

The organisation takes data protection very seriously and will consider and comply with the requirements of Data Protection Legislation in relation to all of its activities whenever these involve the use of personal data, in accordance with the principles of data protection by design and default.

The Trust will put measures in place to show that it has integrated data protection into all of its data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing privacy impact assessments where the Trust's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process). **The Trust will complete an assessment of any such proposed processing, in consultation with the DPO, and will use a template document which ensures that all relevant matters are considered.**
-
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test the Trust's privacy measures and make sure it is compliant
- Maintaining records of the Trust's processing activities, including:
 - For the benefit of data subjects, making available the name and contact details of the Trust and DPO and all information the Trust is required to share about how their personal data is used and processed (via Trust privacy notices)
 - For all personal data that the Trust holds, maintaining an internal record of the type of data, data subject, how and why the data is being used, any third-party recipients, how and why the data is being stored, retention periods and how the data is being kept secure

15. Data security and storage of records

The Trust will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the relevant Academy office
- Use of strong passwords to access Trust computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for Trust-owned equipment (see our ICT Acceptable Use Policies)

- Where the Trust needs to share personal data with a third party, the Trust will carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

16. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where the Trust cannot or does not need to rectify or update it.

For example, paper-based records will be shredded or incinerated, and electronic files overwritten or deleted. The Trust may also use a third party to safely dispose of records on its behalf. If it does so, the Trust will require the third party to provide sufficient guarantees that it complies with data protection law.

17. Personal data breaches

The Trust will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, the Trust will follow the procedure set out in appendix 1.

When appropriate, the Trust will report the data breach to the ICO within 72 hours. Such breaches in an academy context may include, but are not limited to:

- A non-anonymised dataset being published on the Trust or an Academy website which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a Trust laptop containing non-encrypted personal data about pupils

18. Training

All staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the Trust's processes make it necessary.

19. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our Trust's practice. Otherwise, or from then on, this policy will be reviewed **annually**.

20. Links with other policies

This data protection policy is linked to our:

- Freedom of Information Policy
- Records Retention Policy
- ICT Acceptable Use Policies

Appendix 1: Personal data breach procedure

This procedure is based on guidance on personal data breaches produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the DPO
 - The DPO will investigate the report and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
 - Lost
 - Stolen
 - Destroyed
 - Altered
 - Disclosed or made available where it should not have been
 - Made available to unauthorised people
 - The DPO will alert the principal/headteacher, academy representative and the chair of governors of the relevant Academy, the Trust Chief Financial Officer and Chief Executive Officer and the Chair of the Trust Board.
 - The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
 - The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen
 - The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
 - Loss of control over their data
 - Discrimination
 - Identify theft or fraud
 - Financial loss
 - Unauthorised reversal of pseudonymisation (for example, key-coding)
 - Damage to reputation
 - Loss of confidentiality
 - Any other significant economic or social disadvantage to the individual(s) concerned
- If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.
- The DPO will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored in a password protected file on the Trust's computer system.
 - Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website within 72 hours. As required, the DPO will set out:
 - A description of the nature of the personal data breach including, where possible:
 - The categories and approximate number of individuals concerned
 - The categories and approximate number of personal data records concerned

- The name and contact details of the DPO
- A description of the likely consequences of the personal data breach
- A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
 - Facts and cause
 - Effects
 - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be stored in a password protected file on the Trust's computer system.

- The DPO, academy representative and principal/headteacher of the relevant academy will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible

Actions to minimise the impact of data breaches

The Trust will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. The Trust will review the effectiveness of these actions and amend them as necessary after any data breach.

Sensitive information being disclosed via email (including safeguarding records)

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error
- If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the ICT department to recall it
- In any cases where the recall is unsuccessful, the DPO will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way
- The DPO will ensure the Trust receives a written response from all the individuals who received the data, confirming that they have complied with this request

- The DPO will carry out an internet search to check that the information has not been made public; if it has, the Trust will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted

EXAMPLES OF DATA BREACHES

- Loss or theft of paper records or loss or theft of equipment on which data is stored e.g. a laptop, mobile phone, tablet device or memory stick;
- A letter or email containing personal and/or confidential data sent to the wrong address (including internal staff or third parties) or an email to an unauthorised group of email boxes;
- Personal data disclosed orally in error in a meeting or over the phone – including “blogging” where information is obtained by deceiving The Organisation, or where information has been disclosed without confirming the true identity of the requester;
- Unauthorised access to information classified as personal or confidential e.g. attaching documents to an outlook diary appointment that is openly accessible;
- Posting information on the world wide web or on a computer otherwise accessible from the Internet without proper information security precautions;
- Sensitive information left on a photocopier or on a desk in County Council premises;
- Unauthorised alteration or deletion of information;
- Not storing personal and confidential information securely;
- Not ensuring the proper transfer or destruction of files after closure of offices/buildings e.g. not following building decommissioning procedures;
- Failure to safeguard/remove personal data on office equipment (including computers and smart phones) before disposal/sale.
- school

Examples of Breaches caused by IT Security Incidents:


- Unauthorised access to IT systems because of misconfigured and/or inappropriate access controls;
- Hacking or phishing attacks and related suspicious activity;
- Virus or malware attacks and related suspicious activity;
- ICT infrastructure-generated suspicious activity;
- Divulging a password to another user without authority.

APPENDIX 2. DEALING WITH SUBJECT ACCESS REQUESTS

| <u>What must the school do?</u> | <u>Why?</u> | <u>How?</u> |
|---|---|--|
| <p><u>We must be clear about the nature of the request and identify what information is being requested.</u></p> | <p><u>Being clear about the nature of the request will enable you to decide whether the request needs to be dealt with in accordance with statutory requirements, who needs to deal with the request, and/or whether this is business as usual (BAU). If needed ask the submitter of the request for clarity.</u></p> | <p><u>Review the request and identify:</u></p> <p><u>If the request is for the personal information of the requester or made by an individual on behalf of another person (e.g. on behalf of a child or an adult lacking capacity) – this is a subject access request;</u></p> <p><u>If the request is for non-personal information – this may be dealt with as BAU or formally under the Freedom of Information Act 2000 (the FOIA) or the Environmental Information Regulations 2004 (the EIR).</u></p> <p><u>NB: The request can be received in a range of different formats e.g. letter, email, a completed form, or can be made via social media (e.g. a Facebook page or Twitter account).</u></p> |
| <p><u>If the request is a SAR the request must be forwarded to the responsible member of staff (usually the Headteacher) and the Data Protection Officer within two working days of receipt of the request.</u></p> | <p><u>The GDPR stipulates that SARs must be completed within one month of the request – but in reality, as soon as possible.</u></p> | <p><u>Log the SAR in the subject access request log and inform all appropriate staff required to deal with the request.</u></p> |

| | | |
|---|--|---|
| <p><u>If the information requested is for non-personal information i.e. is organisational or statistical information, this will fall under the FOIA or EIR, or BAU and will be dealt with, as follows:</u></p> <p><u>All non-routine FOIA or EIR requests must be forwarded to the responsible member of staff (usually the Headteacher) and the Data Protection Officer within two working days of receipt of the request.</u></p> | <p><u>The FOIA and EIR stipulates that requests must be completed within 20 working days of the request – therefore the more swiftly request are being dealt with, the more likely The Organisation will meet its statutory deadlines.</u></p> <p><u>BAU requests need to be dealt with by an individual in that particular service area who can identify and locate the information requested and provide a response within a reasonable timeframe.</u></p> | <p><u>If the request is for non-routine/FOIA/EIR information contact the responsible member of staff (usually the Headteacher) and the Data Protection Officer.</u></p> |
| <p><u>If the information requested is for the personal information of an individual for use in a criminal investigation by the police, or any other agency investigating criminal offences, this will fall under either the regulatory Investigative Powers Act 2000 (RIPA) or Data Protection Act 2018.</u></p> <p><u>The request can be for either hard copy or any type of electronic information including email traffic i.e. the time and information that an email is sent.</u></p> <p><u>The request must be forwarded to the responsible member of staff (usually the Headteacher) and the Data Protection Officer within two days.</u></p> | <p><u>It is in the public interest that requests are identified and dealt with as quickly as possible.</u></p> | <p><u>Scan and email the request to the responsible member of staff (usually the Headteacher) and the Data Protection Officer as needed.</u></p> |

Records Retention Policy

| | | | | |
|---|-----------------------|----------------------|-------------------------------------|--|
|  <p>CITY OF LONDON ACADEMIES TRUST</p> | Approval Date: | Monitored By: | Full Review Due: | Review By: |
| | 19 April 2018 | Trustees | April 2019 or before if appropriate | Trustees, Local Governing Bodies, employees, |

1. Aims

The City of London Academies Trust aims to ensure that all personal data collected about staff, pupils, parents, governors, trustees, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the ~~expected~~ provisions of the Data Protection Act 2018 (DPA 2018) ~~as set out in the Data Protection Bill~~.

The Trust has created this policy to outline how records are stored, accessed, monitored and disposed of, and how long data is retained for, in order to meet the Trust's statutory requirements and to ensure that all records are only kept for as long as is necessary to fulfil the purpose(s) for which they were intended

This policy applies to all personal data, regardless of whether it is in paper or electronic format, and seeks to provide guidance to Trust staff, trustees and governors on the handling of personal data.

2. Legal framework

This policy has due regard to statutory legislation including, but not limited to, the following:

- the General Data Protection Regulation (GDPR) and the ~~expected~~ provisions of the Data Protection Act 2018 (DPA 2018) ~~as set out in the Data Protection Bill~~
- Freedom of Information Act 2000
- Limitation Act 1980 (as amended)

This policy also has due regard to the guidance provided in the Information Records Management Society 'Information Management Toolkit for Schools' 2016

This policy will be implemented in accordance with the following Trust policies and procedures:

- Data Protection Policy
- Freedom of Information Policy

3. Responsibilities

The whole Trust and all employees, trustees and governors ~~have~~ a responsibility for maintaining its records and record-keeping systems in line with statutory requirements.

The Trustees hold overall responsibility for this policy and for ensuring it is implemented correctly.

The Local Governing Body of each Academy is responsible for promoting compliance with this policy in each Academy.

Each Academy in the Trust will have a nominated person acting as the representative of the data controller on a day-to-day basis within that Academy (the 'Academy Representative'). The representative is responsible for the implementation of the Trust Data Protection Policy within their Academy.

All staff members are responsible for ensuring that any records for which they are responsible for are accurate, maintained securely and disposed of correctly, in line with the provisions of this policy and in accordance with the retention periods outlined in this policy.

4. Retention of pupil records and other pupil-related information

The table below outlines the Trust's retention periods for individual pupil records and the action that will be taken after the retention period, in line with any requirements. Electronic copies of any information and files will also be destroyed in line with the retention periods below.

| Type of file | Retention period | Action taken after retention period ends |
|--|---|---|
| Admissions | | |
| Register of admissions | Three years after the date on which the entry was made | Information is reviewed, and the register may be kept permanently |
| Secondary school admissions | The current academic year, plus one year | Securely disposed of |
| Proof of address (supplied as part of the admissions process) | The current academic year, plus one year | Securely disposed of |
| Supplementary information submitted, including religious, medical information, etc. (where the admission was successful) | Added to the pupil's record | Securely disposed of |
| Supplementary information submitted, including religious, medical information, etc. (where the admission was not successful) | Until the appeals process has been completed | Securely disposed of |
| Pupils' educational records | | |
| Pupils' educational records – Primary | Whilst the pupil remains at the Academy | Transferred to the destination – if this is an independent school, home-schooling or outside of the UK, the file will be kept by the LA and retained for the statutory period |
| Pupils' educational records - Secondary | 25 years after the pupil's date of birth | Securely disposed of |
| Public examination results | Added to the pupil's record | Returned to the examination board |
| Internal examination results | Added to the pupil's record | Securely disposed of |
| Child protection information held on a pupil's record | Stored in a sealed envelope for the same length of time as the pupil's record | Securely disposed of – shredded |
| Child protection records held in a separate file | 25 years after the pupil's date of birth | Securely disposed of – shredded |

| Attendance | | |
|---|--|--|
| Attendance registers | Last date of entry on to the register, plus three years | Securely disposed of |
| Letters authorising absence | Current academic year, plus two years | Securely disposed of |
| SEND | | |
| SEND files, reviews and individual education plans | 25 years after the pupil's date of birth (as stated on the pupil's record) | Information is reviewed, and the file may be kept for longer than necessary if it is required for the Trust to defend itself in a 'failure to provide sufficient education' case |
| Statement of SEN maintained under section 324 of the Education Act 1996 (and any amendments to the statement) | 25 years after the pupil's date of birth (as stated on the pupil's record) | Securely disposed of, unless it is subject to a legal hold |
| Information and advice provided to parents regarding SEND | 25 years after the pupil's date of birth (as stated on the pupil's record) | Securely disposed of, unless it is subject to a legal hold |
| Accessibility strategy | 25 years after the pupil's date of birth (as stated on the pupil's record) | Securely disposed of, unless it is subject to a legal hold |
| Curriculum management | | |
| SATs results | 25 years after the pupil's date of birth (as stated on the pupil's record) | Securely disposed of |
| Examination papers | Until the appeals/validation process has been completed | Securely disposed of |
| Published Admission Number (PAN) Reports | Current academic year, plus six years | Securely disposed of |
| Valued added and contextual data | Current academic year, plus six years | Securely disposed of |
| Self-evaluation forms | Current academic year, plus six years | Securely disposed of |

| | | |
|--|--|---|
| Pupils' work | Returned to pupils at the end of the academic year, or retained for the current academic year, plus one year | Securely disposed of |
| Extra-curricular activities | | |
| Parental consent forms for school trips where no major incident occurred | Until the conclusion of the trip | Securely disposed of |
| Parental consent forms for school trips where a major incident occurred | 25 years after the pupil's date of birth, on the pupil's record (permission slips of all pupils on the trip will also be held to show that the rules had been followed for all pupils) | Securely disposed of |
| Walking bus registers | Three years from the date of the register being taken | Securely disposed of |
| Family liaison officers and home-school liaison assistants | | |
| Day books | Current academic year, plus two years | Reviewed, and destroyed if no longer required |
| Reports for outside agencies | Duration of the pupil's time at school | Securely disposed of |
| Referral forms | Whilst the referral is current | Securely disposed of |
| Contact data sheets | Current academic year | Reviewed, and destroyed if no longer active |
| Contact database entries | Current academic year | Reviewed, and destroyed if no longer required |
| Group registers | Current academic year, plus two years | Securely disposed of |

5. Retention of staff records

The table below outlines the Trust's retention periods for staff records and the action that will be taken after the retention period, in line with any requirements. Electronic copies of any information and files will also be destroyed in line with the retention periods below.

| Type of file | Retention period | Action taken after retention period ends |
|---|--|---|
| Operational | | |
| Staff personal file | Termination of employment, plus six years | Securely disposed of |
| Timesheets | Current academic year, plus six years | Securely disposed of |
| Annual appraisal and assessment records | Current academic year, plus five years | Securely disposed of |
| Recruitment | | |
| Records relating to the appointment of a new principal/headteacher | Date of appointment, plus six years | Securely disposed of |
| Records relating to the appointment of new members of staff (unsuccessful candidates) | Date of appointment of successful candidate, plus six months | Securely disposed of |
| Records relating to the appointment of new members of staff (successful candidates) | Relevant information added to the member of staff's personal file, and other information retained for six months | Securely disposed of |
| DBS certificates | Up to six months | Securely disposed of |
| Proof of identify as part of the enhanced DBS disclosure | After identity has been proven | Reviewed and a note kept of what was seen and what has been checked – if it is necessary to keep a copy this will be placed on the staff member's personal file, if not, securely disposed of |
| Evidence of right to work in the UK | Added to staff personal file or, if kept separately, termination of employment, plus no longer than two years | Securely disposed of |

| Type of file | Retention period | Action taken after retention period ends |
|--|---|--|
| Disciplinary and grievance procedures | | |
| Child protection allegations, including where the allegation is unproven | Added to staff personal file, and until the individual's normal retirement age, or 10 years from the date of the allegation – whichever is longer If allegations are malicious, they are removed from personal files | Reviewed and securely disposed of – shredded |
| Oral warnings | Date of warning, plus six months | Securely disposed of – if placed on staff personal file, removed from file |
| Written warning – level 1 | Date of warning, plus six months | Securely disposed of – if placed on staff personal file, removed from file |
| Written warning – level 2 | Date of warning, plus 12 months | Securely disposed of – if placed on staff personal file, removed from file |
| Final warning | Date of warning, plus 18 months | Securely disposed of – if placed on staff personal file, removed from file |
| Records relating to unproven incidents | Conclusion of the case, unless the incident is child protection related and is disposed of as above | Securely disposed of |

6. Retention of senior leadership and management records

The table below outlines the Trust's retention periods for senior leadership and management records, and the action that will be taken after the retention period, in line with any requirements. Electronic copies of any information and files will also be destroyed in line with the retention periods below.

| Type of file | Retention period | Action taken after retention period ends |
|---|---|--|
| Board of Trustees and Local Governing Bodies | | |
| Agendas for meetings | One copy alongside the original set of minutes – all others disposed of | Securely disposed of |
| Original, signed copies of the minutes of meetings | Permanent | |

| | | |
|---|--|--|
| Inspection copies of the minutes of meetings | Date of meeting, plus three years | Shredded if they contain any sensitive, personal information |
| Reports presented to the Board of Trustees or Local Governing Bodies | Minimum of six years, unless they refer to individual reports – these are kept permanently | Securely disposed of or, if they refer to individual reports, retained with the signed, original copy of minutes |
| Instruments of government, including articles of association | Permanent | |
| Policy documents created and administered by the Board of Trustees or Local Governing Bodies | Duration of the policy, plus three years | Securely disposed of |
| Records relating to complaints dealt with by the Board of Trustees or Local Governing Bodies | Date of the resolution of the complaint, plus a minimum of six years | Reviewed for further retention in case of contentious disputes, then securely disposed of |
| Principal/Headteacher and senior leadership team (SLT) in each Academy | | |
| Minutes of SLT meetings and the meetings of other internal administrative bodies | Date of the meeting, plus three years | Reviewed, and securely disposed of |
| Reports created by the Principal/headteacher or SLT | Date of the report, plus a minimum of three years | Reviewed, and securely disposed of |
| Records created by the Principal/headteacher, deputy Principal/headteacher, heads of year and other members of staff with administrative responsibilities | Current academic year, plus six years | Reviewed, and securely disposed of |
| Correspondence Principal/headteacher, deputy Principal/headteacher, heads of year and other members of staff with administrative responsibilities | Date of correspondence, plus three years | Reviewed, and securely disposed of |
| Professional development plan | Duration of the plan, plus six years | Securely disposed of |
| School development plan | Duration of the plan, plus three years | Securely disposed of |

7. Retention of health and safety records

The table below outlines the Trust's retention periods for health and safety records, and the action that will be taken after the retention period, in line with any requirements. Electronic copies of any information and files will also be destroyed in line with the retention periods below. Any information relating to medical records (e.g. sickness absence notes) should be kept in hard copy.

| Type of file | Retention period | Action taken after retention period ends |
|--|--|--|
| Health and safety | | |
| Health and safety policy statements | Duration of policy, plus three years | Securely disposed of |
| Health and safety risk assessments | Duration of risk assessment, plus three years | Securely disposed of |
| Records relating to accidents and injuries at work | Date of incident, plus 12 years In the case of serious accidents, a retention period of 15 years is applied | Securely disposed of |
| Accident reporting – adults | Date of the incident, plus six years | Securely disposed of |
| Accident reporting – pupils | 25 years after the pupil's date of birth, on the pupil's record | Securely disposed of |
| COSHH | Current academic year, plus 40 years | Securely disposed of |
| Information relating to areas where employees and persons are likely to come into contact with asbestos | Date of last action, plus 40 years | Securely disposed of |
| Information relating to areas where employees and persons are likely to come into contact with radiation | Date of last action, plus 50 years | Securely disposed of |
| Fire precautions log books | Current academic year, plus six years | Securely disposed of |

8. Retention of financial records

Every company must keep adequate accounting records as defined in the Companies Act 2006.

Section 388 of the Companies Act 2006 requires that accounting records, once made, must be preserved for at least six years (public companies) or three years (private companies). It follows that where software is needed for retrieval of information in usable form, it must be available for use for the same period, as must any necessary hardware. VAT records must also be kept for at least six years.

The table below outlines the Trust's retention periods for financial records and the action that will be taken after the retention period, in line with any requirements. Electronic copies of any information and files will also be destroyed in line with the retention periods below.

| Type of file | Retention period | Action taken after retention period ends |
|---|--|--|
| Payroll pensions | | |
| Maternity pay records | Current academic year, plus three years | Securely disposed of |
| Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995 (as amended) | Current academic year, plus six years | Securely disposed of |
| Risk management and insurance | | |
| Employer's liability insurance certificate | Closure of the Academy, plus 40 years | Securely disposed of |
| Asset management | | |
| Inventories of furniture and equipment | Current academic year, plus six years | Securely disposed of |
| Burglary, theft and vandalism report forms | Current academic year, plus six years | Securely disposed of |
| Accounts and statements including budget management | | |
| Annual accounts | Current academic year, plus six years | Disposed of against common standards |
| Records maintained in Financial accounting software | Current academic year, plus six years | Securely disposed of |
| Loans and grants managed by the Academy | Date of last payment, plus 12 years | Information is reviewed, then securely disposed of |
| All records relating to the creation and management of budgets | Duration of the budget, plus three years | Securely disposed of |
| Invoices, receipts, order books and requisitions, delivery notices | Current financial year, plus six years | Securely disposed of |

| | | |
|---|--|----------------------|
| Records relating to the collection and banking of monies | Current financial year, plus six years | Securely disposed of |
| Records relating to the identification and collection of debt | Current financial year, plus six years | Securely disposed of |
| Contract management | | |
| All records relating to the management of contracts under seal | Last payment on the contract, plus 12 years | Securely disposed of |
| All records relating to the management of contracts under signature | Last payment on the contract, plus six years | Securely disposed of |
| All records relating to the monitoring of contracts | Current academic year, plus two years | Securely disposed of |
| School fund | | |
| Cheque books, paying in books, ledgers, invoices, receipts, bank statements and journey books | Current academic year, plus six years | Securely disposed of |
| School meals | | |
| Free school meals registers | Current academic year, plus six years | Securely disposed of |
| School meals registers | Current academic year, plus three years | Securely disposed of |
| School meals summary sheets | Current academic year, plus three years | Securely disposed of |

9. Retention of other Trust records

The table below outlines the Trust's retention periods for any other records held by the Trust, and the action that will be taken after the retention period, in line with any requirements. Electronic copies of any information and files will also be destroyed in line with the retention periods below.

| Type of file | Retention period | Action taken after retention period ends |
|--|--|---|
| Property management | | |
| Title deeds of properties belonging to the Trust | Permanent | Transferred to new owners if the building is leased or sold |
| Plans of property belonging to the Trust | For as long as the building belongs to the Trust | Transferred to new owners if the building is leased or sold |
| Leases of property leased by or to the Trust | Expiry of lease, plus six years | Securely disposed of |
| Records relating to the letting of Trust premises | Current financial year, plus six years | Securely disposed of |
| Maintenance | | |
| All records relating to the maintenance of the Academy properties carried out by contractors | Current academic year, plus six years | Securely disposed of |
| All records relating to the maintenance of the Academy properties | Current academic year, plus six years | Securely disposed of |
| Operational administration | | |
| General file series | Current academic year, plus five years | Reviewed, and securely disposed of |
| Records relating to the creation and publication of Academy brochures and/or prospectuses | Current academic year, plus three years | Disposed of against common standards |
| Records relating to the creation and distribution of circulars to staff, parents or pupils | Current academic year, plus one year | Disposed of against common standards |
| Newsletters and other items with short operational use | Current academic year plus one year | Disposed of against common standards |
| Visitors' books and signing-in sheets | Current academic year, plus six years | Reviewed, then securely disposed of |

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|--|---------------------------------------|-------------------------------------|
| Records relating to the creation and management of parent teacher associations and/or old pupil associations | Current academic year, plus six years | Reviewed, then securely disposed of |
|--|---------------------------------------|-------------------------------------|

10. Storing and protecting information

- The Trust takes its Data Protection duties seriously and any unauthorised disclosure may result in disciplinary action.
- The **Academy Representative in each Academy** will undertake a risk analysis to identify which records are vital to academy management, and these records will be stored in the most secure manner.
- The **Academy Representative in each Academy** will ensure a backup of information is conducted ~~on at least a termly basis~~ regularly to ensure that all data can still be accessed in the event of a security breach, e.g. a virus, and prevent any loss or theft of data. Where possible, backed-up information will be stored off the premises or in the cloud.
- Confidential paper records should be ~~are~~ kept in a locked filing cabinet, drawer or safe, with restricted access.
- Confidential paper records should ~~are~~ not be left unattended or in clear view when held in a location with general access.
- Digital data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site.
- Where data is saved on removable storage or a portable device, the device is kept in a locked and fireproof filing cabinet, drawer or safe when not in use.
- Memory sticks are not used to hold personal information unless they are password-protected and fully encrypted.
- All electronic devices are password-protected to protect the information on the device in case of theft.
- Where possible, the Trust enables electronic devices to allow the remote blocking or deletion of data in case of theft.
- Staff and governors should avoid using their personal laptops or computers for Trust purposes. If personal devices are used staff and governors are expected to follow the same security procedures as for Trust-owned equipment (see ICT Acceptable Use Policies).
- All members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.
- Emails containing sensitive or confidential information are sent via secure email or are password-protected to ensure that only the recipient is able to access the information. The password will be shared with the recipient in a separate email.

- Circular emails to parents are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.
- Where personal information that could be considered private or confidential is taken off the premises, either in an electronic or paper format, staff take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking the information from the Trust premises accepts full responsibility for the security of the data.
- Before sharing data, all staff always ensure that:
 - They are allowed to share it.
 - Adequate security is in place to protect it.
 - The Trust Data Protection Policy is being followed
- All staff members will implement a 'clear desk policy' to avoid unauthorised access to physical records containing sensitive or personal information. All confidential information will be stored in a securely locked filing cabinet, drawer or safe with restricted access.
- Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of Trust premises containing sensitive information are supervised at all times.
- The physical security of the Trust's buildings and storage systems, and access to them, is reviewed ~~termly~~ regularly by each **site manager**. If an increased risk in vandalism, burglary or theft is identified, this will be reported to the **Academy Representative** and extra measures to secure data storage will be put in place.
- ~~• The Trust takes its Data Protection duties seriously and any unauthorised disclosure may result in disciplinary action.~~
- The **Academy Representative** is responsible for continuity, and recovery measures are in place to ensure the security of protected data.
- Any damage to or theft of data will be managed in accordance with the Trust's Data Protection Policy.

11. Digital continuity statement

Digital data that is retained for longer than six years will be named as part of a digital continuity statement.

The **Academy Representative in each Academy** will identify any digital data that will need be named as part of a digital continuity statement.

The data will be archived to dedicated files on the Trust's servers, which are password-protected – this will be backed-up in accordance with section 10 of this policy.

Memory sticks will never be used to store digital data subject to a digital continuity statement.

On an **annual** basis, the **Trust IT Director** will review the storage methods used to ensure that new technology and storage methods are assessed and, where appropriate, added to the digital continuity statement.

The following information will be included within the digital continuity statement:

- A statement of purpose and requirements for keeping the records
- The names of the individuals responsible for long term data preservation
- A description of the information assets to be covered by the digital preservation statement
- A description of when the record needs to be captured into the approved file formats
- A description of the appropriate supported file formats for long term preservation
- A description of the retention of all software specification information and licence information
- A description of how access to the information asset is to be managed in accordance with the Trust Data Protection Policy.

12. Information audit

~~The Trust~~Each Academy conducts information audits on an **annual** basis against all information held by the Academy~~Trust~~ to evaluate the information the Trust~~Academy~~ is holding, receiving and using, and to ensure that this is correctly managed in accordance with the General Data Protection Regulation (GDPR) and the ~~expected~~ provisions of the Data Protection Act 2018 (DPA 2018) ~~as set out in the Data Protection Bill~~. This includes the following information:

- Paper documents and records
- Electronic documents and records
- Databases
- Microfilm or microfiche
- Sound recordings
- Video and photographic records
- Hybrid files, containing both paper and electronic information

The **Academy Representative in each Academy** is responsible for ensuring the information audit is completed. The information audit will include:

- The Academy's needs
- The information needed to meet those needs
- The format in which it is stored
- How long it needs to be kept for
- Vital records status and any protective marking
- Who is responsible for maintaining the original documents

The **Academy Representative in each Academy** will consult with staff members involved in the information audit process to ensure that the information is accurate.

13. Disposal of data

Where disposal of information is outlined as standard disposal, this will be recycled appropriate to the form of the information, e.g. paper recycling, electronic recycling.

Where disposal of information is outlined as secure disposal, this will be shredded or pulped, and electronic information will be scrubbed clean and, where possible, cut.

Each Academy will keep a record of all files that have been disposed of and/or destroyed detailing WHAT information has been disposed/destroyed, WHEN, by WHOM, and HOW the information has been disposed of/destroyed.

Where the disposal action is indicated as reviewed before it is disposed, the **Academy Representative** will review the information against its administrative value – if the information should be kept for administrative value, a record will be kept of this.

If, after the review, it is determined that the data should be disposed of, it will be destroyed in accordance with the disposal action outlined in this policy.

Where information has been kept for administrative purposes, the **Academy Representative** will review the information again after **three** years and conduct the same process. If it should be destroyed, it will be destroyed in accordance with the disposal action outlined in this policy. If any information is kept, the information will be reviewed every subsequent **three** years.

Where information must be kept permanently, this information is exempt from the normal review procedures.

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