



# Freedom of Information Policy

Policy reviewed by Academy Transformation Trust on	September 2017
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This policy links to:	Located:
<ul style="list-style-type: none"><li>• Data Protection Policy</li><li>• Freedom of Information Publication Scheme for Academies</li></ul>	Intranet & Website

Review Date – September 2020



## **Our Mission**

To provide the very best education for all pupils and the highest level of support for our staff to ensure every child leaves our academies with everything they need to reach their full potential.

We promise to do everything we can to give children the very best education that gives them the best opportunity to succeed in life. All of our academies have it in them to be outstanding and achieving this comes down to our commitment to our pupils, staff and academies.

## **Our commitment**

We are committed to taking positive action in the light of the Equality Act 2010 with regard to the needs of people with protected characteristics. These are age, disability, pregnancy and maternity, religion and belief, race, sex, sexual orientation, gender reassignment and marriage and civil partnership.

We will continue to make reasonable adjustments to avoid anyone with a protected characteristic being placed at a disadvantage.



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## 1 Purpose

- 1.1 ATT recognises its corporate responsibility under the Freedom of Information Act 2000 (“the Act”) to provide a general right of access to information held. Under the Act, ATT has a legal obligation to provide information through an approved Publication Scheme and in response to valid requests made by individuals under the Act.
- 1.2 The purpose of this policy is to ensure that the provisions of the Act are adhered to, particularly:
  - Signposting the public to routinely published information through inclusion in the Publication Scheme
  - Ensuring that other information not included in the Publication Scheme is readily available on request
  - Where information is covered by an exemption, considering whether the information should be released.
- 1.3 Information that is held by ATT in a recorded (paper or electronic) format can be requested under the Act and, subject to any relevant exemptions, will need to be disclosed. Disclosures under the Act are disclosures into the public domain. This includes recorded information, printed documents, computer files, letters, emails, photographs and sound or video recordings.
- 1.4 The Act does not give people access to their own personal data (information about themselves). Access to personal data is covered under our separate Data Protection Policy.

## 2 Core Principles

- 2.1 ATT will publish the information set out in the Freedom of Information Act Publication Scheme for Academies (“the Publication Scheme”) and will ensure that documents containing the information are available on request.
- 2.2 ATT will give access to information not covered by the Scheme, except for any exempt information, following valid request and the payment, where appropriate, of the fee within 20 working days.
- 2.3 There will be occasions where ATT does not hold the information requested or when it can refuse to give access to the requested information. If a refusal is made ATT will give reasons for the refusal and list any applicable exemptions.

## 3 General Right of Access to Information

- 3.1 Publication of information listed in the Scheme will be the responsibility of the Company Secretary.
- 3.2 The Scheme and the materials it covers will be readily available from ATT and published on The Trust website.

- 3.3 In addition to the information listed in the Publication Scheme, ATT will share any other information it holds, as quickly as possible and without charge, unless:
- The information is not held by ATT
  - The information is reasonably accessible through another route (e.g. already within the public domain)
  - The information is in respect of an investigation that relates to criminal proceedings, either current or potential
  - The information relates to the prevention or detection of crime
  - The information relates to Court records, including information relating to legal proceedings
  - It is personal information
  - It is information provided in confidence
  - It is planned to be publically disclosed in the future
  - It is likely to endanger health and safety
  - It is covered by legal privilege
  - It would prejudice commercial interest
  - It is vexatious or repeated
  - ATT reasonably request further information to meet a Freedom of Information request and has informed the applicant but was not subsequently supplied with this information
  - A fee notice has been issued and not honoured
  - The cost of providing the information exceeds the appropriate limit (£450).
- 3.4 This is not an exhaustive list and should a request be received it should be forwarded immediately to the Company Secretary. The statutory timescale starts to run as soon as it is received by an academy or ATT Central Office (no matter who received it).

## 4 Charges

- 4.1 When determining whether the cost of complying with a Freedom of Information request is within the appropriate limit, ATT will take account only of:
- Determining whether it holds the information
  - Locating the information, or a document which may contain the information
  - Retrieving information or documents (e.g. from archived storage)
  - Extracting the information from a document(s)
  - Costs relating to the time spent by any person undertaking any of the activities above. An hourly rate of £25 per person will be used as standard.
- 4.2 Within 5 days of receiving a request, ATT may issue a written notice stating that a fee will be charged for compliance. Charges considered will be:
- Photocopying
  - Postage and packaging
  - Costs directly incurred as a result of locating, retrieving and extracting information.

- 4.3 Fees charged will not exceed the costs incurred and will be expected to be honoured within 20 days of issuing a written notification.

## 5 Implementation

- 5.1 Access to information held by ATT under the Act will be overseen by the Company Secretary.
- 5.2 The Company Secretary will:
- Publish on the ATT website and in printed form the Publication Scheme
  - Provide assistance to persons wishing to access information by who are unclear about the process
  - Acknowledge access requests within 5 working days of receipt
  - Where further details of the information requested are reasonably needed before the access request can be dealt with, send written communication requesting that information within 5 working days of receipt of the access request
  - Where a fee is to be paid, send a letter or email setting out details of the fee to be paid within 5 working days of the receipt of the access request
  - Make the information accessible, where possible in the form which the applicant requests, within 20 working days if receipt of the original request
  - Notify the person requesting the information that an extension to the timescale may be required either due to the length of time that is required to consider the public interest arguments under the Act in respect of possible disclosure of the requested information or the ability to gather the information within 20 working days. In any event all requests should be fulfilled within an additional 20 working days
  - Where the information is exempt or the access request is vexatious or repeated, send a refusal notice to the applicant setting out the reason for refusal with, where necessary, the category of exemption claimed, any public interest test considerations and drawing attention to the appeals procedure
  - Where the refusal is on the grounds that the information is available elsewhere, guide the applicant on where to access the information
  - Direct appeals to the Principal or Executive within two days of receipt
  - Present a termly report to the Executive and an annual report to the Trust Board detailing access requests received.

## Appendix 1

### Freedom of Information – Appeals Procedure

The Act places a duty on public authorities to put a process in place to ensure that applicants are able to appeal to the public authority for an internal review if they are not content with the public authority's decision on the release of information. This provides a first review stage for applicants.

Requests for internal review should be submitted in writing to the Company Secretary.

#### Appeal Process

##### Principles

If ATT refuses to supply the information requested, or the applicant is dissatisfied with its response or feels that a fee has been applied unfairly they may ask for an internal review of that decision. The following principles will apply when considering an appeal request:

- The review will be undertaken by an individual who was not involved in the original request for information
- If the applicant has not received a response to a request for information within 20 working days, it may be regarded that ATT had refused the request; the individual therefore has the right of appeal
- All reviews will make an assessment of the information released against the information requested and make a full review of the information associated with the original application
- The reviewer will discuss the decisions made with the staff members concerned with the original request in order to gain a full picture of how decisions were made
- The reviewer may contact the applicant at their own discretion
- The reviewer may obtain advice from external sources including legal advice
- Conclusion will be summarised and handed to the Company Secretary who will log them centrally for future reference
- An internal review must be completed before an appeal can be made to the Information Commissioner.

##### Timescales

ATT will aim to deal with complex appeals within 20 working days of the receipt of the appeal. If it becomes clear at any stage of the appeal that the above timescales cannot be met, ATT will inform the applicant in writing and give a revised deadline for completion of the review.

##### Outcomes

An internal review may have three outcomes:

- The original decision is reversed
- The original decision is amended

- The original decision is upheld.

Whatever the outcome of the appeal, the complainant will be informed in writing with appropriate information about what will be provided should a decision be reversed or amended.

Applicants will be informed that, if they are not happy with the outcome of the internal review, they have the right to contact the Information Commissioner. Details will be provided on how to do this.



