FREEDOM OF INFORMATION (FOI) POLICY & PUBLICATION SCHEME

The Freedom of Information Act 2000 ('the Act') gives individuals the right to access official information from public bodies. The Trust is a public authority for the purposes of the Act. This policy applies to the Trust and all Academies within the Trust.

Under the Act, any person has a legal right to ask for access to information held by the Trust. They are entitled to be told whether the Trust holds the information and to receive a copy, subject to certain exemptions. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information. Full details on how requests can be made are set out in Section 1 of this policy.

Public authorities should be clear and proactive about the information they will make public. For this reason, a publication scheme is available and can be found at Section 2 of this policy.

This policy does not form part of any individual's terms and conditions of employment with the Trust and is not intended to have contractual effect. This policy should be used in conjunction with the Trust's Data Protection Policy.

Last Review: 14.10.26

New review due: Autumn 2028

Person responsible: Head of HR

SECTION 1 – Freedom of Information Requests

Requests under Freedom of Information should be made to the Trust Data Protection Lead. However, the request can be addressed to anyone in the Trust. All staff need to be aware of the process for dealing with requests. If staff receive a FOI request in their inbox, it should instantly be forwarded to the Trust Data Protection Lead.

Requests for information that are not data protection or environmental information requests will be covered by the Freedom of Information Act.

Data protection enquiries (or Subject Access Requests/SARs) are requests where the enquirer asks to see what personal information the Trust holds about the enquirer. If the enquiry is a data protection request, the Trust's Data Protection Policy should be followed.

Environmental Information Regulations enquiries are those which relate to air, water, land, natural sites, built environment, flora and fauna, health and any decisions and activities affecting any of these. These could, therefore, include enquiries about recycling, phone masts, school playing fields, car parking etc. If the enquiry is about environmental information, the Trust will follow guidance from the ICO.

Freedom of Information requests *must* be made in writing (including email) and should include the enquirer's name, correspondence address (email addresses are allowed) and state what information they require. There

must be enough information in the request to be able to identify and locate the information. If this information is covered by one of the other pieces of legislation (as referred to above), they will be dealt with under the relevant policy/procedure related to that request.

If the request is ambiguous and/or the Trust require further information in order to deal with your request, the Trust will request this further information directly from the individual making the request. Please note that the Trust do not have to deal with the request until the further information is received. Therefore, the time limit starts from the date that the Trust receives all information required in order to deal with the request.

The requester does not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held and supplying any information that is held, except where exemptions apply. There is a time limit of 20 school days (i.e. excluding school holidays) for responding to the request.

Information

Provided all requirements are met for a valid request to be made, the Trust will provide the information that it holds (unless an exemption applies).

Holding information means information relating to the business of the Trust:

- That the Trust has created; or
- That the Trust has received from another body or person; or
- Held by another body on the Trust's behalf.

Information means both hard copy and digital information, including email.

If the information is held by another public authority (for example, the Local Authority), the Trust will check whether they hold the information and if so, transfer the request to them. If this applies, the Trust will notify the enquirer that they do not hold the information and to whom they have transferred the request. The Trust will continue to answer any parts of the enquiry in respect of information it does hold.

When the Trust does not hold the information, it has *no duty to create or acquire it* just to answer the enquiry; although a reasonable search will be made before confirming whether the Trust has the information requested.

If the information requested is already in the public domain, for instance, through the Publication Scheme or on the Trust/Academy's website, the Trust will direct the enquirer to the information and explain how to access it.

The requester has the right to be told if the information requested is held by the Trust (subject to any of the exemptions). This obligation is known as the Trust's *duty to confirm or deny* that it holds the information. However, the Trust does not have to confirm or deny whether it holds the requested information where relevant exemption under the Act applies and that exemption includes provision for neither confirming or denying that the information is held.

Vexatious Requests

There is no obligation on the Trust to comply with vexatious requests. A vexatious request is one which is designed to cause inconvenience, harassment or expense rather than to obtain information and would require a substantial diversion of resources or would otherwise undermine the work of the Trust. However, this does not provide an excuse for bad records management.

In addition, the Trust do not have to comply with repeated identical or substantially similar requests from the same applicant unless a reasonable interval has elapsed between requests.

Fees

The Trust may charge the requester a fee for providing the requested information. This will be dependent on whether the staffing costs in complying with the request exceeds the threshold. The threshold is currently £450 with staff costs calculated at a fixed rate of £25 per hour (therefore 18 hours' work is required before the threshold is reached).

If a request would cost less than the threshold, then the Trust can only charge for the cost of informing the applicant whether the information is held and communicating the information to the applicant (e.g., photocopying, printing and postage costs).

When calculating costs/threshold, the Trust can take account of the staff costs/time in determining whether the information is held by the Trust, locating and retrieving the information and extracting the information from other documents. The Trust will not take account of the costs involved with considering whether information is exempt under the Act.

If a request would cost more than the appropriate limit (£450), the Trust can turn the request down, answer and charge a fee or answer and waive the fee.

If the Trust are going to charge they will send the enquirer a fees notice. The Trust do not have to comply with the request until the fee has been paid. More details on fees can be found on the Information Commissioner's Office (ICO) website.

If planning to turn down a request for cost reasons or charge a high fee, you should contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that, for example, it would cost less than the appropriate limit.

Where two or more requests are made to the Trust by different people who appear to be acting together or as part of a campaign, the estimated cost of complying with any of the requests may be taken to be the estimated total cost of complying with them all.

Time Limits

Compliance with a request must be prompt and within the time limit of 20 school days (this does not include the school holidays or weekends) or 60 working days if this is shorter. 'School' days is defined by the ICO as any day on which there is a session, and the pupils are in attendance. Failure to comply could result in a complaint by the requester to the ICO. The response time starts counting as the first day from the next working day after the request is received (so if a request was received on Monday 6th October the time limit would start from the next working day, the 7th October).

Where the Trust has asked the enquirer for more information to enable it to answer, the time limit begins when this further information has been received. If some information is exempt this will be detailed in the Trust's response.

If a qualified exemption applies and the Trust needs more time to consider the public interest test, a response will be provided before that statutory deadline stating that an exemption applies, including an estimate of the date by which a decision on the public interest test will be made; this should be within a "reasonable" time.

Where the Trust has notified the enquirer that a charge is to be made, the time period stops until payment is received.

Third Party Data

Consultation of third parties may be required if their interests could be affected by release of the information requested and any such consultation may influence the decision.

Consultation will be necessary where:

- Disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention on Human Rights;
- The views of the third party may assist the School to determine if information is exempt from disclosure;
- The views of the third party may assist the School to determine the public interest test.

Personal information requested by third parties is also exempt under this policy where release of that information would breach the Data Protection Act. If a request is made for a document (e.g., Governing Body minutes) which contains personal information whose release to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information as set out in the redaction procedure.

Exemptions

The presumption of the Freedom of Information Act is that the Trust will disclose information unless the Act provides a specific reason to withhold it. The Act recognises the need to preserve confidentiality and protect sensitive material in certain circumstances.

The Trust may not provide all requested information if one of the following applies: -

1) There is an exemption to disclosure within the Act;
2) The information sought is not held;
3) The request is considered vexatious or repeated; or
4) The cost of compliance exceeds the threshold.

A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. Some are specialised in their application (such as national security) and would not usually be relevant to requests received by the Trust.

There are two general categories of exemptions:-

1) *Absolute*: where an exemption applies and there is no requirement to consider the public interest in maintaining the exemption. Some absolute exemptions also remove the duty to confirm or deny whether information is held.
2) *Qualified*: where an exemption applies but the Trust must carry out a public interest test to decide whether the information should nevertheless be disclosed.

Absolute Exemptions

The Act contains a number of absolute exemptions. Where an absolute exemption applies, there is no requirement to carry out a public interest test. Some absolute exemptions also remove the duty to confirm or deny whether the information is held. The absolute exemptions most likely to be relevant to the Trust include:

- Information accessible to the enquirer by other means (for example, information available via the Trust's Publication Scheme or website);
- Court Records;
- Personal information where disclosure would contravene data protection legislation;
- Information provided in confidence, where disclosure would constitute an actionable breach of confidence.

Where an absolute exemption applies, the Trust is not required to disclose the information under the Act. However, the Trust may decide to disclose information voluntarily where it is lawful and appropriate to do so, taking into account all the circumstances of the case.

Qualified Exemptions

Where a qualified exemption applies, the Trust must carry out a public interest test to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure. In some cases, the public interest test will also apply to the decision whether to confirm or deny that the information is held.

The qualified exemptions most likely to be relevant to the Trust are: -

- Information intended for future publication, where it is reasonable for the applicant to wait until publication;
- National security;
- Legal proceedings, where disclosure would prejudice actual or contemplated legal proceedings or investigations;
- Law enforcement, where disclosure would prejudice the prevention or detection of crime, the prosecution of offenders or the administration of justice);
- Audit functions, where disclosure would prejudice the effective conduct of an audit;
- Health and safety where disclosure would endanger the physical or mental health or safety of any individual;
- Legal professional privilege;
- Commercial interests where disclosure would prejudice the Trust's commercial interests or those of another party.

Where a qualified exemption is relied upon, the Trust will document its consideration of the public interest test and ensure that any refusal clearly explains the reasons for the decision.

Refusal

If it is decided to refuse a request, the Trust will send a refusals notice, which must contain:

- The fact that the responsible person cannot provide the information asked for;
- Which exemption(s) apply;
- Why the exemption(s) apply to this enquiry (if it is not self-evident);
- Reasons for refusal; and
- The Trust's Complaints Procedure.

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the Information Commissioner, the responsible person must keep a record of all enquiries where all or part of the requested information is withheld and exemptions are claimed. The record must include the reasons for the decision to withhold the information.

Decisions to refuse requests must be approved by the Trust Data Protection Lead who will seek advice from the Data Protection Officer (DPO) prior to withholding data under an exemption or refusing the request in its entirety.

Freedom of Information Compliance Reporting

In line with best practice guidance from the ICO, we publish statistics of the Trust's compliance with the FOI Act 2000. We provide regular summaries of:

- The number of FOI requests received;
- The number of responses issued within the statutory 20 school days deadline;
- The number of requests where exemptions were applied; and
- The number of internal reviews and ICO complaints (if applicable).

A summary of FOI requests and our responses will be published through our FOI Disclosure Log available on our website, where appropriate and subject to data protection considerations. These compliance statistics are reviewed by the Local Governing Bodies/Trust Board to ensure continued compliance and transparency. We are committed to maintaining high standards of accountability and responding to FOI requests within the legal timeframe.

SECTION 2 – Freedom of Information Publication Scheme

This publication scheme follows a model approved by the Information Commissioner's Office.

This scheme is not a list of individual publications but rather a description of the classes of types of information that we are committed to publishing. This list is not an exhaustive list of all of the types of information that we publish. We try to proactively publish as much information as we can where the information would have a wider public interest.

This scheme applies to the Trust and all Academies within the trust. Where information is Academy-specific, it may be published by the relevant Academy in accordance with this scheme.

This scheme does not include information that we consider to be sensitive, such as personal information, information prevented from disclosure by law or information about security matters.

Making Information Available

Information will generally be made available on the Trust and/or Academy websites. Where it is not possible to include this information on a website, the Trust / or relevant Academy will indicate how information can be obtained by other means and provide it accordingly. In some exceptional circumstances, some information may be available only by reviewing in person. Where this manner is specified, contact details will be provided and an appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required.

Charges for Information Published Under This Scheme

The Trust may charge individuals for information published under this scheme. The purpose of this scheme is to make the maximum amount of information readily available at the minimum inconvenience and cost to the public. Charges made by the Trust for routinely published material will be justified and transparent and kept to a minimum. Material which is published and accessed on the website will be provided free of charge. Charges may be made for information subject to a charging regime specified by law.

Charges will be made to cover:

- Photocopying;
- Postage and packaging; and
- The costs directly incurred as a result of viewing information.

All charges will be communicated in advance.

How to Request Information

If you require a paper version of any of the documents within the scheme, please contact the Trust Data Protection Lead using the contact details below.

Data Protection Lead: Sara Barwick
Email: dataprotection@aspirenortheast.co.uk
Telephone: (0191) 5949991

Address: Aspire North East Multi Academy Trust
C/o Southmoor Academy, Ryhope Road, Sunderland, SR2 7TF

Please mark all correspondence *Publication Scheme Request* in order to help us process your request quickly. If the information you are looking for isn't available via the scheme, you can still contact the Trust to ask if we have this information.

	Publication Scheme **A guide to information available from the academies within** **Aspire North East Multi Academy Trust under the model publication scheme**

Class 1 - Who we are and what we do

(Organisational information, structures, locations and contacts)
This will be current information only

Information to be published	How the information can be obtained
Who's who in the school	Academy Website
Who's who on the governing body and the basis of their appointment	Academy & Trust Website
Contact details for the Headteacher and for the governing body (named contacts where possible with telephone number and email address if used)	Academy & Trust Website
School prospectus	Academy Website
School session times and term dates	Academy Website

Class 2 — What we spend and how we spend it

(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)
Current and previous financial year as a minimum

Information to be published	How the information can be obtained
Annual report and financial statements	Trust Website
Capitalised funding	Hard copy
Additional funding	Hard copy
Procurement and projects	Hard copy
Pay Policy	Hard copy
Staffing and grading structure	Hard copy

Class 3 — What our priorities are and how we are doing
(Strategies and plans, performance indicators, audits, inspections and reviews)
Current information as a minimum

Information to be published	How the information can be obtained
Strategic Plan	Trust Website
Government supplied performance data	Hard copy
The latest Ofsted report	Academy Website
Teacher appraisal and capability procedures	Hard copy

Class 4 — How we make decisions
(Decision making processes and records of decisions)
Current and previous three years as a minimum

Information to be published	How the information can be obtained
Scheme of Delegation	Academy & Trust Website
Admissions policy/decisions (not individual admission decisions)	Academy Website
Agendas of meetings of the governing body and its sub-committees	Hard copy
Minutes of meetings (as above) — NB this will exclude information that is regarded as private to the meetings.	Hard copy

Class 5 — Our policies and procedures
(Current written protocols, policies and procedures for delivering our services and responsibilities)
Current information only

Information to be published	How the information can be obtained
School policies including: • Health and Safety Policy • Complaints Procedure • Safeguarding & Child Protection Policy	Academy Website

Student and curriculum policies, including: • Home-school agreement • Curriculum • Relationship & Sex Education Policy • Special educational needs • Collective worship • Careers education • Student discipline	Academy Website
Records management and personal data policies, including: • Information security policies • Records retention destruction and archive policies • Data protection	Academy & Trust Website
Charging regimes and policies • Charging & Remissions Policy	Academy Website

Class 6 — The services we offer

(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)
Current information only

Information to be published	How the information can be obtained
Extra-curricular activities	Academy Website
After school clubs	Academy Website
School publications	Academy Website / Hard copy
Services for which the school is entitled to recover a fee, together with those fees	Academy Website
Leaflets, books and newsletters	Academy Website / Hard copy

Internal review

The requester has the right to ask for an internal review if they are dissatisfied with the handling of a request. Wherever practicable the review should be handled by someone not involved in the original decision. Internal review requests should be made within 40 working days of the initial response. This deadline should be communicated to the requester in that response. We are not obliged to provide a review if it is requested after more than 40 working days.

Requests for internal review must make clear why they are dissatisfied with the original decision, detailing why they believe that the Trust has not complied with the Act.

The Trust will aim to complete internal reviews within 20 working days, and in exceptional circumstances within 40 working days in line with ICO guidance.

If the requester remains dissatisfied following the outcome of the internal review, they have the right to complain to the ICO. Complaints to the ICO can be made via the ICO's website or in writing to:

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF