

Empathy, Honesty, Respect, Responsibility



Trinity Multi Academy Trust

Policy:	Freedom of Information Policy and Schema
Date or review:	November 2022
Date of next review:	November 2025
Lead professional:	COO and DPO
Status:	Statutory

Freedom of Information Policy and Schema

1 Policy Statement

- 1.1 Trinity Multi Academy Trust (The Trust) will use all appropriate and necessary means to ensure that it complies with the legislation and associated Codes of Practice issued by the Lord Chancellor's Department pursuant to sections 45(5) and 46(6) of the Freedom of Information Act.

2 Introduction

2.1 Background

- 2.1.1 The Freedom of Information (FOI) Act was passed in 2000 and replaces the Open Government Code of Practice that has been in place since 1994. The Act gives the public a general right of access to almost all types of recorded information held by public authorities. The Act came into full effect on 01 January 2005.
- 2.1.2 The Act places a statutory obligation on all public bodies to publish details of all recorded information that they hold and to allow the public to have access to this information on request, except where an exemption applies; for example: personal or other confidential data.
- 2.1.3 The Trust recognises the importance of the Act and it will ensure that appropriate systems are put in place to publicise what recorded information is kept by the Trust and how this information can be accessed on request by the public.

2.2 The Freedom of Information Act

- 2.2.1 The seven main features of the Act are:
 - 2.2.1.1 A general right of access to information held by public authorities;
 - 2.2.1.2 Sets out exemptions from the duty to provide information;
 - 2.2.1.3 Place a requirement on public authorities to exercise discretion; they may have to determine not only whether an exemption applies but also the extent to which it may apply (some exemptions are conditional and depend on where the balance of 'public interests');
 - 2.2.1.4 Make arrangements in respect of costs and fees. • Places a duty on public authorities to adopt publication schemes
 - 2.2.1.5 Public authorities must make arrangements for enforcement and appeal;
 - 2.2.1.6 Places a duty to provide advice and assistance to people who wish to make, or have made requests for information; and
 - 2.2.1.7 Outlines Codes of Practice.

Freedom of Information Policy and Schema

- 2.2.2 Freedom of Information legislation is wholly retrospective and applies to all information held by public authorities regardless of its date. It does not oblige public authorities to retain information which is no longer useful to the authority.
- 2.2.3 The FOI Act is overseen by the Information Commissioner who has the ability to monitor organisational compliance, issue undertakings, serve information and enforcement notices and, if needed, initiate court proceedings to ensure compliance.
- 2.2.4 In the context of FOI – ‘information’ is defined as each item of material held by the Trust, or it’s associated academies, in paper or electronic form. This includes but not limited to, all draft documents, agendas, minutes, emails, diaries and handwritten notes and all other recorded information.
- 2.2.5 All staff employed by the Trust are within the scope of this policy. All staff working on behalf of the Trust are also within the scope of this policy (including but not limited to: contractors, secondees and freelancers).
- 2.2.6 Penalties can be imposed upon the Trust and staff for breaching the FOI Act.
- 2.2.7 All employees have a legal duty to preserve formal records. Employees must also ensure information is recorded correctly, accurately, adequately named and indexed for easy retrieval or publication. Poor records management practices are not offences in themselves, however they may lead to an inability to comply with requirements of the Freedom of Information Act.

3 Requests for information under the act

- 3.1 It is the responsibility of the Chief Operating Officer (COO) and the Business Manager (BM) of each academy to ensure that Trust has sufficiently efficient processes to support the FOI agenda and assure that all requests are managed correctly.
- 3.2 The Trust has existing processes for providing information to members of the public and other persons which are not superseded by this policy. Requests for information generated as part of Trust’s existing processes may be answered as ‘business as usual’ if it is deemed reasonable to do so.
- 3.3 Requests for information outside of ‘business as usual’ processes, other legislative access regimes or those specifically defined as FOI requests will be managed by the COO.
- 3.4 Each academy of the Trust may be required to nominate an FOI representative to liaise with the COO in the provision of information as required.
- 3.5 Final draft responses to FOI requests must be approved for issue by the COO.

Freedom of Information Policy and Schema

- 3.6 Amendments to COO approved draft responses may only be made by the Chief Executive.
- 3.7 Defining a Valid FOI Request as in Section 8 of the FOI Act, to meet all the requirements of a valid FOI request, a request must:
 - 3.7.1 Be in writing
 - 3.7.2 State the name of the applicant and a valid address for correspondence (email address is valid)
 - 3.7.3 Describe the information requested
 - 3.7.4 Be received in a legible form
 - 3.7.5 Be capable of being used for subsequent reference
- 3.8 The term 'in writing' covers requests submitted by letter and electronic form and the request does not have to make any direct reference to the Act, or be the sole or main theme of the requester's correspondence. 5.2
- 3.9 When determining whether or not a name and/or address is valid, where a requester's name is an obvious pseudonym or only includes a part of their real then the request will only be valid if their real name is visible elsewhere in the body of the request.
- 3.10 A request also becomes valid when:
 - 3.10.1 The Freedom of Information Act is mentioned in correspondence;
 - 3.10.2 When information cannot be supplied under another legislative access regime or Business as Usual criteria within 20 working days.
- 3.11 The Trust will not recognise a request as being valid if it has been copied into a request or piece of correspondence from an individual to another person or public authority.
- 3.12 Means by which information will be conveyed - when an applicant, on making their request for information, expresses a preference for communication by any one or more of the following means:
 - 3.12.1 The provision to the applicant of a copy of the information in permanent form or in another form deemed to be acceptable by the applicant;
 - 3.12.2 The provision to the applicant of a reasonable opportunity to inspect the record containing the information; and
 - 3.12.3 The provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant the Trust, so far as is reasonably practicable, will give effect to that preference.

Freedom of Information Policy and Schema

- 3.13 In determining whether it is reasonably practicable to communicate information by a particular means, The Trust will consider all the circumstances, including the cost of doing so. If it is determined that it is not reasonably practicable to comply with any preference expressed by the applicant in making their request, the applicant will be notified of the reasons for its determination and will provide the information by such means as which it deems reasonable in the circumstances.
- 3.14 Refusal of Requests - the duty to confirm or deny whether information is or is not held does not arise if:
- 3.14.1 An exemption applies under section 2 of the Act ;
 - 3.14.2 A fees notice has been issued and the fee has not been paid;
 - 3.14.3 An estimate demonstrates that the cost of compliance will exceed the appropriate limit;
 - 3.14.4 It can be demonstrated that the request is repeated or vexatious.
- 3.15 Upon refusal of a request for information, the applicant will be informed of the reasons for this decision within twenty working days.
- 3.16 If NHS the Trust is reliant upon an exemption under part 2 of the Act, relating to the duty to confirm or deny, a notice will be issued within twenty working days, which will state that fact and specify the exemption being applied and why it applies.
- 3.17 Redaction of Information - redaction is a process which is carried out to make information unreadable or to remove exempt information from a document. This is achieved by blocking out individual words, sentences or paragraphs or by removing whole pages or sections of information prior to the release of the document. However, if so much information is deemed to be exempt and the document becomes illegible the entire document should be withheld.
- 3.18 When responding under FOI the Trust must ensure it state what exemption the information has been redacted under and must be done for every exemption.
- 3.19 All redactions must be carried out by the COO team.
- 3.20 Vexatious/Repeat requests - should an applicant make a 'vexatious' or 'repeated' request for identical or substantially similar information, the Trust will inform the applicant in writing that it will not fulfil the request.
- 4 Environmental Information Regulations - requests for information to the Trust which relate to the environment will be processed in accordance with the Environmental Information Regulations 2004. This includes, but is not restricted to, all information about the impact on the elements and measures that might affect the environment. This applies to information in all formats which is held by the Trust.

Freedom of Information Policy and Schema

- 5 The statutory time limit for responses to requests for information under the Environmental Information Regulations is 20 working days, though this may be extended by a further 20 working days if the request is deemed to be complex or voluminous in nature.

- 6 Consultation with Third Parties – the Trust recognises that in some cases the disclosure of information pursuant to a request may affect the legal rights of a third party, for example where the information is subject to the common law duty of confidence or where it constitutes Personal Data as defined by the EU GDPR (2018) and the UK GDPR (2020). Unless an exemption applies in relation to any particular information, the Trust will be obliged to disclose the information in response to a request.
 - 6.1 Where disclosure of information cannot be made without the consent of a third party and would constitute an actionable breach of confidence such that an exemption would apply, the Trust will consult that third party with a view to seeking their consent, unless such consultation is not practicable.

 - 6.2 The Trust will undertake consultation where:
 - 6.2.1 The views of the third party may assist in determining whether an exemption under the Act applies; or
 - 6.2.2 The views of the third party may assist in determining where the Public Interest lies.

 - 6.3 The Trust may consider that consultation is not appropriate where the cost or amount of time and/or effort of consulting with the third party would be disproportionate. In such it will consider the most reasonable course of action to take in light of the requirements of the Act.

 - 6.4 Consultation will be unnecessary where:
 - 6.4.1 The Trust does not intend to disclose the information;
 - 6.4.2 The view of the third party can have no effect on the decision as to whether to disclose the requested information.

 - 6.5 Where the interests of several third parties may be affected by a disclosure and those parties have a representative, the Trust will, if it considers consultation appropriate, consider that it would be sufficient to only some of the organisations.

 - 6.6 If a third party does not respond to consultation it does not relieve NHS England of its duty to disclose information under the Act, or its duty to reply within the time specified in the Act. In all cases, it is for the Trust, not the third party, to determine whether or not information should be disclosed. A refusal to consent to disclosure by a third party does not automatically mean information will be withheld.

- 7 Information provided by other organisations - if the response to an FOI request belongs to or contains a significant amount of information provided by another organisation, the Trust will consider, on a case by case basis, whether to consult with that organisation. The organisation will apply this process when considering whether an exemption may be applicable.

Freedom of Information Policy and Schema

- 8 Accepting Information in Confidence from Third Parties – the Trust will only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of its functions and it would not be otherwise provided.
 - 8.1 The Trust will not agree to hold information ‘in confidence’ which is not in fact confidential in nature.
- 9 Staff Names and Details – will be redacted as a matter of policy.
 - 9.1 If there is perceived to be a need not redact staff names and details, then consent will be sought from staff to release their information where it is reasonably practicable to do so.
- 10 Exemptions and the Public Interest Test – the Trust will consistently encourage the release of recorded information to the public. Sometimes it is not appropriate or practicable for recorded information held by the Trust to be disclosed and there are 23 exemptions (see the ICO website for these exemptions) under the FOI Act which may be applied to withhold information from disclosure.
 - 10.1 There are two types of Exemption: Absolute and Qualified.
 - 10.2 Absolute exemptions are not subject to a Public Interest Test, however qualified exemptions are subject to a Public Interest Test prior to their reliance to determine whether to disclose the requested information or to withhold it based upon the greater public good.
 - 10.3 The Public Interest Test is set out in section 2 of the FOI Act. It provides that, even where the information meets the requirements of a qualified exemption, the information may only be withheld where, “in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”.
 - 10.4 A Public Interest Test requires the Trust to consider the competing public interest factors in disclosure and the maintenance of secrecy by weighing of competing information and circumstances. The Trust will conduct Public Interest Tests without bias, in line with guidance set by the ICO and with a view to release of the requested information unless a clear margin of public interest in maintaining the exemption exists.
 - 10.5 The strength of the factors both in favour of disclosure and maintaining the exemption will be assessed on a case-by-case basis.
 - 10.6 Section 36 of the FOI Act enables information to be made exempt if its disclosure may inhibit the ability of an authority to conduct its business effectively.
 - 10.7 Reliance upon this exemption requires the approval of the COO.

Freedom of Information Policy and Schema

- 11 Public Sector Contracts – the Trust will, when entering into contracts, refuse to include contractual terms which attempt to restrict the disclosure of information it holds relating to the contract beyond the restrictions permitted by the Act.
 - 11.1 When entering into contracts with non-public authority contractors, the Trust may be under pressure to accept confidentiality clauses so that information relating to the terms of the contract, its value and performance will be exempt from disclosure. The Trust must reject such clauses wherever possible. Where it is exceptionally necessary to include non-disclosure provisions in a contract, the Trust will investigate the option of agreeing with the contractor a schedule of the contract which clearly identified information which should not be disclosed.
 - 11.2 The Trust will take care when drawing up any such schedule, and be aware that any restrictions on disclosure provided for could potentially be overridden by obligations under the Act.
 - 11.3 The Trust must disclose information pursuant to the Act, not the non-public authority contractor. Steps must be taken to protect from disclosure by the contractor, information which the Trust has provided which would clearly be exempt from disclosure under the Act.
- 12 Re-use of information - regulations apply in respect of the 're-use' of information where the Trust holds the intellectual property/copyright of information and where re-use has been requested by a body that is not a public authority.
 - 12.1 The regulations around re-use require organisations to publish details of information available for re-use. Information that the Trust publishes as part of its Publication Scheme can be considered as the list of information available for re-use. Any published document can be re-used without charge, provided the Trust is quoted as the source and retains copyright.
 - 12.2 Requests for re-use will be granted or denied by the COO in consultation with Trust staff. Following the completion of a response to a request for information that is not covered by the Publication Scheme, consideration will be made as to whether this information should become part of the Publication Scheme.
 - 12.3 If a request to re-use information provided by another organisation is received, the Trust will advise applicants of this and will be directed to that organisation.
- 13 Fees and re-use charges – the Trust is able to charge a fee for dealing with a request, in line with the 'The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004'.
 - 13.1 In line with these regulations, when determining whether the cost of the work to respond is estimated to be less than £450 and/or less than 18 hours of work effort, the Trust is not able to charge a fee. Where the cost exceeds this amount, the Trust will correspond with the applicant either to reduce the requirement (and therefore cost) below the threshold or to agree a fee. If an agreement cannot be reached the Trust may exempt the requested information from disclosure.

Freedom of Information Policy and Schema

13.2 Schedule of charges for disbursements:

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE	CHARGE
Disbursement cost	Photocopying/printing @ ..p per sheet (black & white)	Actual cost *	0.01 pence per page
	Photocopying/printing @ ..p per sheet (colour)	Actual cost *	0.05 pence per page
	Postage	Actual cost of Royal Mail standard 2 nd class	As per Royal Mail published charges dependent upon size of the document e.g. standard letter, large letter

Class 1 – Who we are and what we do

Information in this class will be current information only.

- **Instrument of government or articles of association** – can be found at the following web address: [AoA Document](#)
- **Academy prospectus** - can be found at on each academy's website under the section on 'About Us', use the following URL replacing the academy name of the academy you want in the highlighted section- [http://<insert academy name>¹.trinitymat.org/about-us/admissions-prospectus/].
- **Curriculum** – can be found at on each academy's website under the section on 'Curriculum', use the following URL replacing the academy name of the academy you want in the highlighted section- [http://<insert academy name>.trinitymat.org/curriculum].
- **Governing body (which contains information about the governors and their duties)** - can be found at on each academy's website under the section on the Governing Body, use the following URL replacing the academy name of the academy you want in the highlighted section- [http://<insert academy name>.trinitymat.org/about-us/governors/].
- **Gender pay gap reporting (2021)** - can be found at the following web address: [Annual Reports - TrinityMAT](#).
- **School session times and term dates** - can be found at on each academy's website under the section on 'About Us', use the following URL replacing the academy name of the academy you want in the highlighted section- [http://<insert academy name>.trinitymat.org/about-us/term-dates/].

¹ Academy name would be replaced by one of the following: Halifax, Bradford, Gramma, Cathedral, StEdwards, Leeds, Sixth, Akroydon, StChads, StPeters.

Freedom of Information Policy and Schema

- **Contact information** - can be found at on each academy's website under the section 'Contact', use the following URL replacing the academy name of the academy you want in the highlighted section- [<http://<insert academy name>.trinitymat.org/contact/>].
- **Locations information** - can be found at on each academy's website under the section 'Contact', use the following URL replacing the academy name of the academy you want in the highlighted section- [<http://<insert academy name>.trinitymat.org/contact/>].
- **Key personnel information** - can be found at on each academy's website under the section upon 'About Us', use the following URL replacing the academy name of the academy you want in the highlighted section- [<http://<insert academy name>.trinitymat.org/about-us/senior-leadership-team>].

Class 2 – What we spend and how we spend it

- **Annual budget plan and financial statements** – can be found at the following web address: [Annual Reports - TrinityMAT](#). In addition the Master Funding agreement can be found at the following web address: [Trinity MAT Master Funding Agreement](#).
- **Expenditures** - Hard copy available upon request contact the academy (see schedules of charges).
- **Capital funding** - Hard copy available upon request contact the academy (see schedules of charges).
- **Financial audit reports** - Hard copy available upon request contact the academy (see schedules of charges).
- **Procurement and contracts** - Hard copy available upon request contact the academy (see schedules of charges).
- **Staff allowances and expenses** - Hard copy available upon request contact the academy (see schedules of charges).
- **Staff pay and grading structures** - Hard copy available upon request contact the academy (see schedules of charges).
- **Governors' allowances** – this is a voluntary position and not allowances are paid.
- **Premiums or other forms of financial support available** - can be found at on each academy's website under the section upon 'About Us', use the following URL replacing the academy name of the academy you want in the highlighted section- [<http://<insert academy name>.trinitymat.org/about-us/ pupil-premium/>].
- **TU facility time reporting** - can be found that the following web address: [Annual Reports - TrinityMAT](#).

Class 3 – What our priorities are and how we are doing

- **Performance data supplied to the government** – can be found at the following web address: [Find and check the performance of schools and colleges in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk).
- **Latest Ofsted report** – can be found at the following web address: [Find an Ofsted inspection report](#).
- **Performance management information** - Hard copy available upon request contact the academy (see schedules of charges).
- **Future plans** – Hard copy available upon request contact the academy (see schedules of charges).
- **Exam and assessment results** – where available these can be found on each academy's website under the section upon 'About Us', use the following URL replacing the academy name of the academy you want in the highlighted section- [<http://<insert academy name>.trinitymat.org/about-us> results].
- **Performance tables** - can be found at the following web address: [Find and check the performance of schools and colleges in England - GOV.UK \(www.gov.u\)](http://www.gov.uk)
- **Impact assessments as appropriate and relevant.** – Available for inspection only.

Class 4 – How we make decisions

- **Admissions policy and decisions** - can be found at on each academy's website under the section on 'About Us', use the following URL replacing the academy name of the academy you want in the highlighted section- [<http://<insert academy name>.trinitymat.org/about-us/admissions-prospectus/>].
- **Minutes of meetings of the governing body and its committees** - Hard copy available upon request contact the academy (see schedules of charges).

Class 5 – Our policies and procedures

The Trust operates the three-tier policy management system, which is divided up into; Trust wide policies that apply across central services and the academies, Trust wide policies with specific academy appendices and finally academy policies. These are located:

- Trust wide policies:
[Policies - TrinityMAT](#)
- Trust wide policies with specific academy appendices:
[Policies - TrinityMAT](#)
- Academy policies:
Use the following URL replacing the academy name of the academy you want [<http://<insert academy name>.trinitymat.org/policies-summaries/>].

The above system and links cover, but is not limited to, the following policies:

- **School policies and other documents;**
- **Records management, personal data and access to information policies;**
- **Equality and diversity;**
- **Safeguarding and child protection;**
- **Pay policy** – available on request in hard copy (schedule of charges apply);
- **Health and safety;**
- **Policies and procedures for human resources and the recruitment of staff Careers programme** information – can be found at the following web address: [Jobs - TrinityMAT](#);

Freedom of Information Policy and Schema

- **Complaints procedures, including for dealing with parental complaints;**
- **Charging regimes and policies.**

Class 6 – Lists and Registers

- **Curriculum circulars and statutory instruments** – can be found at the following web address: [Guidance and regulation - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- **CCTV operated by the organisation** - - Available for inspection only.
- **Disclosure logs for Information Governance** – Available for inspection only.
- **Asset register** – Available for inspection only.
- **Any information you are currently legally required to hold in publicly available registers** – Available for inspection only.

Class 7 – The services we offer

Extra-curricular activities – available via the academy website, use the following URL replacing the academy name of the academy you want [http://<insert academy name>.trinitymat.org/] or in hard copy upon request.

Out of school clubs - available via the academy website, use the following URL replacing the academy name of the academy you want [http://<insert academy name>.trinitymat.org/] or in hard copy upon request.

School publications available via the academy website, use the following URL replacing the academy name of the academy you want [http://<insert academy name>.trinitymat.org/] or in hard copy upon request.

Services for which the school is entitled to recover a fee, together with those fees available via the academy website, use the following URL replacing the academy name of the academy you want [http://<insert academy name>.trinitymat.org/] or in hard copy upon request.

Leaflets, booklets and newsletters available via the academy website, use the following URL replacing the academy name of the academy you want [http://<insert academy name>.trinitymat.org/] or in hard copy upon request.