Haberdashers' Academies Trust South

Freedom of Information Policy

Policy Details	
Policy Title:	Freedom of Information Policy
Last amendment date:	June 2025
Owner:	Director of Governance & Compliance
Approved by:	Senior Directors Meeting
Next review date:	July 2026

IMPORTANT INFORMATION

ALL Trust and School staff are responsible for:

- Knowing their responsibilities under the Freedom of Information Act 2000
- Referring any requests straightaway to their school's Business Manager (or equivalent) and DataRequests@habstrustsouth.org.uk who will advise on how to respond to the request
- Assisting as necessary in gathering information and pulling together a response as directed by the Business Manager/PA/Lead Administrator within the timescales set
- Seeking advice and support from the Trust central team when they are uncertain on how to respond to a request

Rationale

The Freedom of Information Act 2000 provides public access to information held by public authorities, including schools, in the following ways:

- Public authorities are obliged to proactively publish certain information about themselves and;
- Members of the public are entitled to request information from public authorities

The Act covers any recorded information that is held by a public authority and includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

The main principle behind Freedom of Information legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to. Access to information helps the public make public authorities accountable for their actions. This allows debate to be better informed and more productive and can also improve public confidence and trust through the openness and transparency of access to information.

This policy sets out the Trust's approach to Freedom of Information and procedures for dealing with requests for information.

Scope

The intended scope of this policy is for all staff across Haberdashers' Academies Trust South.

Aims

The Trust is committed to being open and honest in the conduct of its operations and to complying fully with the Freedom of Information Act 2000. The Trust will therefore ensure as much information about its activities, as is practicable and subject to the exemptions permitted under the Act, is publicly accessible, and ensuring other information as set out in its Guide to Information is available on request.

This policy aims to:

- Make clear the Trust's commitment to proactive publication of information and the details of what information is available and where to find it
- Detail how a member of the public can make Freedom of Information requests to the Trust
- Set out how the Trust will comply with Freedom of Information requests

Implementation

1. Publication Scheme

The Trust has adopted the model publication scheme set out by the Information Commissioner's Office (ICO) for all public authorities and is committed to publishing the information it describes. Included in the scheme are the following classes of information:

- Who we are and what we do
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

View the ICO Model Publication Scheme.

2. Guide to Information

The Trust's Guide to Information sets out what information we publish and how it can be accessed, and whether there are any charges for information requested.

3. Data Protection

The provisions of the Data Protection Act 2018 always take precedence over those of the Freedom of Information Act 2000. Personal information must always be obtained, processed, stored and disclosed in accordance with the Data Protection Act, even where a request for information has been made under the provisions of the Freedom of Information Act.

4. Responsibilities

4.1 Director of Governance & Compliance

The Director of Governance & Compliance is responsible for the overall management of the system and procedures and keeping the Trust's Freedom of Information Policy and Codes of Practice under review.

4.2 Head of Governance (Central Trust Team)

The Trust Head of Governance (or another delegate of the Trust Governance and Compliance Team) is responsible for:

- Working with schools and Trust staff to ensure they are aware of their responsibilities under the Act
- Ensuring all requests under the Act are centrally logged and handled in accordance with the Trust's Freedom of Information Policy and Codes of Practice
- Assisting and advising individuals and organisations making requests under the Act
- Ensuring that, in considering requests for information and accepting or refusing them, the public interest is properly assessed, and exemptions are properly applied
- Ensuring information is released within the timescales specified within this policy and the central log updated to show this has happened
- Maintaining the Guide to Information

4.3 Principals and Head Teachers

Within each school, the Principal or their nominated representative, are responsible for making the final decisions on what information will be shared as part of a request for information. Once prepared, all requests for information should be shared with the Principal or their nominated representative, to review. Staff responsible for gathering this information should factor enough time, when liaising with the Central Trust Team at the point of initial response, for the Principal to review the information before it is sent to the requester within the statutory timescales.

4.4 Business Management and Admin Teams

Within each school, the Data Protection Lead / (usually the school Business Manager or equivalent) is responsible for ensuring:

- All requests for information are shared centrally by email to DataRequests@habstrustsouth.org.uk so they can be logged
- Requests are dealt with within the time scales allocated and that sufficient time is allocated for review and requests for support if needed
- Good records management practice under the Public Records Act to maintain their records in an ordered and managed way, so that they can readily retrieve information when it is needed
- Retrieval of information in short-term and long-term storage, whether in digital or paper format
- They liaise with school departments and staff to retrieve information held by them locally
- They inform the Director of Governance & Compliance of changes to any information covered by the Guide to Trust Information including changes to URL addresses
- Their admin teams are aware of their responsibilities with assisting with requests for information

4.5 All Trust Staff

Individual Trust and school staff are responsible for:

- Knowing their responsibilities under the Act

- Refer any requests straightaway to their school's Business Manager and DataRequests@habstrustsouth.org.uk who will advise on how to respond to the request
- Assisting as necessary in gathering information and pulling together a response as directed by the Business Manager/PA/Lead Administrator within the timescales set
- Seeking advice and support from the Trust central team when they are uncertain on how to respond to a request

5. Making a Request for Information

Anyone has a right to request information from a public authority. Some information may be available without having to make a request under the FOI Act.

Anyone wishing to make a request under the FOI Act, must do so in writing (which can include email). For school information this should be directed to the school directly, copying in DataRequests@habstrustsouth.org.uk if by email.

For Trust information, or to receive advice or assistance regarding any data request, it should be submitted to:

By email: DataRequests@habstrustsouth.org.uk

By post: Haberdashers' Academies Trust South, Jerningham Road, London SE14 5NY
By phone: 020 7652 9516

6. Responding to Requests for Information

6.1 Initial Request – Assisting the Applicant

There is an obligation on the Trust to provide advice and assistance to those making requests. The duty on the Trust is to provide advice and assistance "so far as it would be reasonable to expect [it] to do so".

Not all potential applicants will be aware of the Act. Trust staff receiving requests must draw these to the attention of potential applicants who appear to be unaware of them.

A request for information under the Act must be made in writing (which can include email). Where a person is unable to submit a written request, the Principal's PA/lead administrator must assist the applicant and refer them to the Head of Governance if necessary.

6.2 Action upon receiving a request under the Act

All requests for information made under the Act should be referred to the Principal or their PA /lead administrator and Data Protection Lead (usually the Business Manager) for advice on who and how to respond. The Data Protection Lead will also notify the Head of Governance of the request as soon as possible, if they have not already been copied into correspondence. On receiving a request for information, the school's PA/Lead Administrator or Data Protection Lead will:

- ensure we tell the applicant whether we hold any of the information falling within the scope of their request and request any further details for the purposes of clarification and ensuring the request has been adequately understood
- working with the Head of Governance to ensure that all details of the request are logged, agree deadlines for internal review and coordinate the retrieval of requested information

- provide that information within 20 school days from receipt of the request (as good practice, information should be provided to the requester as soon as it can be made available) unless any extra time is being claimed in the event of establishing exemptions through public interest tests
- Confirm toHead of Governance that the information requested has been issued (or otherwise if relevant)

6.3 Timescales for responses and fee charging

The Act requires that replies to requests for information be made within 20 school days. Those dealing with requests must do so promptly, allowing sufficient time for internal review, and not delay responding until the end of the 20 school day period if the information can be reasonably provided earlier.

The Trust aims to make all decisions within 20 school days including those where it needs to consider where the public interest lies in respect of an application for exempt information.

In those instances when it is not possible for the Trust to deal with an application within 20 school days, we must:

a. Give an estimate of the date by which we expect to reach such a decision
b. Ensure our estimates are realistic and reasonable in the circumstances of the particular case taking account for example of the need to consult third parties where this is necessary
c. Comply with the estimates unless there are good reasons not to do so. If the estimated delay is exceeded, the staff member dealing with the request should apologise to the requester and explain the reasons for the delay. If during the retrieval of information, the person dealing with the requests finds the estimate unrealistic, they should keep the applicant informed. They must keep a record of instances where estimates are exceeded and where this happens more than occasionally take steps to identify the problem and rectify it.

The Trust has discretion to charge applicants a fee in accordance with the Fee Regulations in respect of requests made under the general right of access. Further information can be found in our Guide to Information.

7. Refusal to supply information requested

There will be times when the Trust will not be able to supply all the information requested. In some cases, we may not hold the information requested and therefore cannot be obliged to provide it. Before deciding we do not hold the requested information, adequate and properly directed searches should be carried out and we need to be sure we have convincing reasons for concluding that no recorded information is held.

Other information will only be withheld in accordance with the exemptions laid down in the Act, and in particular those concerning:

- Our duties under the Data Protection Act 2018 to keep confidential sensitive information about individual members of staff and students
- Other legal and contractual obligations
- Material detrimental to the safe and efficient conduct of the Trust's operations or which is commercially sensitive
- The request being too resource-intensive to complete
- The request being vexatious
- Repeat requests from the same person

Withholding information that is 'exempt' will still require the Trust to apply a public interest test. This means we will consider the public interest arguments before deciding whether to disclose the information requested. There may be occasion when the Trust may have to disclose information in spite of an exemption, where it is in the public interest to do so.

If refusing all or any part of a request, the person dealing with the request must send the requester written refusal notice within 20 school days of receiving the request. They will need to inform the Head of Governance and issue a refusal notice stating if they are either refusing to say whether they hold information at all, or they are confirming that information is held but they are refusing to release it. The refusal notice should include:

- An explanation of what provision of the Act is being relied on to refuse the request and why;
- Details of the internal review (complaints) procedure the Trust offers;
- An explanation of the requester's right to complain to the ICO including contact details for this

8. Complaints

Anyone wishing to make a complaint about the publication scheme or about any information being withheld even in the case of a request for information under the general right of access, may do so. Complaints and requests for an internal review of a response to a valid request for information should be made within two months of the date the Trust's response to the original request for information. Complaints made about Freedom of Information requests will be dealt with using the procedures described in this policy, not as stated in the Trust's complaints policy.

The complaint should be sent to the person who initially responded to their request, clearly setting out why they are not satisfied with the response. This will be reviewed, in line with the guidance set out by the ICO, by someone who was not a party to the original disclosure decision, where this is practicable. In most instances the Director of Governance & Compliance will conduct the review and must respond to all complaints within 20 school days. As part of this response, the Trust will inform the complainant about its internal complaints procedure and how to contact the ICO if they wish to do so. The complainant cannot apply to the ICO for a decision until the internal complaint procedure has been exhausted, but the ICO may investigate the matter at their discretion – this should be explained to the complainant.

8.1 Outcome

Where the outcome of a complaint is that information should be disclosed which was previously withheld, the information in question should be disclosed as soon as practicable and the applicant should be informed how soon this will be.

Where the outcome of a complaint is that the Trust's staff have not properly followed the procedures, the Trust should apologise to the applicant. The Trust should also take appropriate steps to prevent similar errors occurring in future.

Where the outcome of a complaint is that an initial decision to withhold information is upheld, or is otherwise in the Trust' favour, the applicant should be informed of their right to apply to the Information Commissioner and be given details of how to make an application, for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

Communication

This policy should be read and understood by all Trust staff and will be made available on Habs Hub (the staff intranet) and highlighted in staff inductions.

This policy will also be published on the Trust's website so anyone wishing to make a request for information can be made aware of our procedures and Guide to Information.

Monitoring and evaluation

This policy and the Guide to Information will be reviewed annually and updated as necessary, or sooner should any new legislation require the Trust to make changes to the policy or our procedures.

Related documents

This policy should be read in conjunction with:

- The Information Commissioner's Office (ICO) guidance on the Freedom of Information Act 2000
- The ICO's Model Publication Scheme
- The Trust's FOI Publication Scheme Guide to Published Information The Trust's Data Protection Policy

Haberdashers' Academies Trust South

Freedom of Information Request submitted

- If not in writing, PA / Lead Admin / Data Protection Lead to assist applicant in putting it in writing

Who: Applicant

Request received

- Request referred to PA / Lead admin / data protection lead (and datarequests@habstrustsouth.org.uk if not already)
- Applicant to be made aware of their rights under the FOI Act.

Who: School or Trust

Action upon receiving request:

Request logged and deadlines agreed for data searches and internal review of information with good time before 20 school day deadline.

Who: Central Team in liaison with PA/lead admin/ data protection lead

Request acknowledged

- Confirm to applicant whether information requested is held
- Clarifiation to be sought from applicant if needed to clarify and ensure the request has been adequately understood

Who: PA/lead admin/ data protection lead to liaise with Central Team

Timescales for response

Requests should be responded to within 20 school days. If not possible to process within this time, applicant to be informed and given an estimate date of when it will be made.

Who: PA/lead admin/ data protection lead in school or Trust

Searches and collation of materials

- Collation and review of materials
- and if refuing to supply, consideration of exemptions vs public interests as to whether information should be provided

Who: PA/lead admin/ data protection lead to liaise with Central Team

Response issued

- Within 20 schools days from date of request.
- Confirmation given to Central Team that the information requested has been issued (or otherwise if relevant)

Who: PA/lead admin/ data protection lead in school or Trust

Refusal to supply information requested

- If refusing all or any part of a request, applicant must be informed in writing within 20 school days of the request with details of which exemptions apply

Who: PA/lead admin/ data protection lead in school or Trust

Details of how to complain

- Applicant to be given details of complaint and internal review procedure and their right to complain to the ICO if unhappy with the outcome of their request

Who: PA/lead admin/ data protection lead in school or Trust