

FREEDOM OF INFORMATION POLICY

THIS POLICY APPLIES TO THE HOPE TRUST BOARD, ALL TRUST SCHOOLS AND THE HOPE TEACHER
TRAINING PARTNERSHIP

Document Management:

Date Policy Approved: 09 April 2018

Date Amended: 14 June 2018

Next Review Date: April 2019

Version: 3.0

Approving Body: Full Trust Board

Contents:

Statement of intent..... 2

1. Legal framework 3

2. Accepting requests for information 3

3. General right of access to information held by HLTY 4

4. The appropriate limit 4

5. Charging fees..... 5

6. Means by which communication is to be made 6

7. Providing advice and assistance..... 6

8. Publication scheme 8

9. Monitoring and review 8

Appendix A..... 9

Statement of intent

This policy applies to Hope Learning Trust York (HLTY), all Trust schools, and Ebor Teaching Schools Alliance; all will be hereafter referred to as 'HLTY'.

As an educational provider, HLTY has an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- HLTY policy and procedures for the release and publication of private data and public records.
- HLTY policy and procedures for providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by HLTY in obtaining any requested information, and on charging fees for its provision.

Signed by:

_____	Chief Executive Officer	Date: _____
_____	Chair of Trustees	Date: _____

1. Legal framework

1.1. This policy has due regard to the following legislation:

- General Data Protection Regulations (GDPR) 2018
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

1.2. This policy also has due regard to guidance, including, but not limited to, the following:

- Information Commissioner's Office 'Model publication scheme' 2016
- Information Commissioner's Office 'Duty to provide advice and assistance (section 16)' 2016
- Ministry of Justice 'Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000' 2009

1.3. This policy will be viewed in conjunction with the following other school policies:

- Data Protection Policy

2. Accepting requests for information

2.1. HLTY will only accept a request for information which meets all of the following criteria:

- It is in writing
- It states the name of the applicant and an address for correspondence
- It describes the information requested

2.2. A request will be treated as made in writing if it meets **either** of the following requirements:

- It is transmitted by electronic means **or**
 - It is received in legible form
- and**
- It is capable of being used for subsequent reference

2.3. HLTY will publish details of its procedures for dealing with requests for information on the [website](#), which includes:

- A contact address and email address
- A telephone number
- A named individual to assist applicants with their requests

3. General right of access to information held by HLTY

3.1. Provided that the request complies with Section 2 of this policy, HLTY will, no later than 20 working days from receipt of the request, comply with its duty to:

- Confirm or deny to any person making a request for information to HLTY, whether it holds information of the description specified in the request.
- Provide the documentation, if HLTY confirms that it holds the requested information.

3.2. HLTY will not comply with section 3.1 of this policy where:

- HLTY reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
- A request for information is exempt under Section 2 of the Freedom of Information Act 2000.
- The cost of providing the information exceeds the appropriate limit.
- The request is vexatious.
- The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
- A fee notice was not honoured.

3.3. Where information is, or is thought to be, exempt, HLTY will, within 20 working days, give notice to the applicant which:

- States the fact.
- Specifies the exemption in question.

3.4. The information will ordinarily be provided to the applicant in the format that is most reasonable. Applicants have the right to request information in a specific format. HLTY will endeavour to provide the information in the format requested, where possible.

3.5. Where it is not possible to provide the information in the requested format, HLTY will assist the applicant by discussing alternative formats in which it can be provided.

3.6. The information provided will also be in the language in which it is held, or another language that is legally required.

3.7. If, under relevant disability and discrimination regulations, HLTY is legally obliged to provide the information in other forms and formats, it will do so.

4. The appropriate limit

4.1. HLTY will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.

4.2. When determining whether the cost of complying with a freedom of information request is within the appropriate limit, HLTY will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds the information.
- Locating the information, or a document which may contain the information.
- Retrieving the information, or a document which may contain the information.
- Extracting the information from a document containing it.
- Costs related to the time spent by any person undertaking any of the activities outlined in section 4.2 of this policy on behalf of HLTY, are to be estimated at a rate of £25 per person per hour.

4.3. Where multiple requests for information are made to HLTY within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to HLTY of complying with all of them.

5. Charging fees

5.1. HLTY may, within 20 working days, give an applicant who has requested information from HLTY, a written notice stating that a fee is to be charged for HLTY's compliance.

5.2. Charges may be made for disbursements, such as the following:

- Photocopying
- Postage and packaging
- Costs directly incurred as a result of viewing information

5.3. Fees charged will not exceed the total cost to HLTY of:

- Informing the person making the request whether we hold the information.
- Communicating the information to the person making the request.

5.4. Where a fee is to be charged, HLTY will not comply with Section 3 of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.

5.5. HLTY will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in section 5.3 above.

5.6. When calculating the 20th working day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

6. Means by which communication is to be made

6.1. Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, HLTY will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
- The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
- The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

7. Providing advice and assistance

7.1. HLTY will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to HLTY.

7.2. HLTY may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information HLTY holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- If a request has been made, but HLTY is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for HLTY to assist the individual who has submitted the request.

7.3. HLTY will provide assistance for each individual on a case-by-case basis; examples of how HLTY will provide assistance include the following:

- Informing an applicant of their rights under the Freedom of Information Act 2000
- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
- Advising an applicant if information is available elsewhere and how to access this information
- Keeping an applicant informed on the progress of their request

7.4. In order to provide assistance as outlined above, HLTY will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request.

- Accurately record and document all correspondence concerning the clarification and handling of any request.
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
- Remain prepared to assist an applicant who has had their request denied due to an exemption.

7.5. HLTy will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.

7.6. In circumstances where an applicant has difficulty submitting a written request, HLTy will:

- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
- Direct the individual to a different agency that may be able to assist with framing their request.

NB. This list is not exhaustive and HLTy may decide to take additional assistance measures that are appropriate to the case.

7.7. Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, HLTy, as a matter of good practice, will provide advice and assistance.

7.8. HLTy will advise the applicant how and where information can be obtained, if it is accessible by other means.

7.9. Where there is an intention to publish the information in the future, HLTy will advise the applicant of when this publication is expected.

7.10. If the request is not clear, HLTy will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.

7.11. If HLTy is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.

7.12. If any additional clarification is needed for the remainder of a request, HLTy will ensure there is no delay in asking for further information.

- 7.13. If an applicant decides not to follow HLTY's advice and assistance and fails to provide clarification, HLTY is under no obligation to contact the applicant again.
- 7.14. If HLTY is under any doubt that the applicant did not receive the advice and assistance, HLTY will re-issue it.
- 7.15. HLTY is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under Section 14 of the Freedom of Information Act 2000.
- 7.16. HLTY is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, HLTY will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.
- 7.17. A record will be kept by the **Operations Director** of all the advice and assistance provided.

8. Publication scheme (Appendix A)

- 8.1. HLTY will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on HLTY website, and whether the information will be available free of charge or on payment.
- 8.2. The publication scheme will be reviewed and, where necessary, updated on an **annual** basis.

9. Monitoring and review

- 9.1. This policy will be reviewed on an **annual** basis, or in light of any changes to relevant legislation, by the **Operations Director**.
- 9.2. The next scheduled review date for this policy is April 2019.

Appendix A

Hope Learning Trust York Publication Scheme

This scheme follows the model approved by the Information Commissioner's Office and sets out the classes of information which we publish or intend to publish; the format in which the information will be made available and whether the information is available free of charge or on payment.

1. Classes of information

Information that is available under this scheme includes:

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

Information which **will not** be made available under this scheme includes:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form, or notes, documents in older versions, emails or other correspondence.

2. How to request information

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting HLTYP using the below contact details.

To enable us to process your request quickly, please mark all correspondence: **"FREEDOM OF INFORMATION REQUEST"**.

Documents can be translated under disability legislation into accessible formats where possible.

3. Charges

Documents contained in this scheme are free to view on HLTYP website.

Single paper copies are also available free of charge to parents/carers and prospective parents/carers of HLTYP.

Any additional information requested under the Freedom of Information Act 2000 will be chargeable as outlined in the HLTYP Freedom of Information Policy v2 2018.

4. Feedback

We welcome any comments or suggestions you may have regarding this scheme. Please contact [Hope Learning Trust York](#) via email at: dpo@hopelearningtrust.org or telephone 01904 560053.