

# Freedom of Information Policy

**Approval confirmed:**

Designation	Name	Date	Signature
CEO:	Mrs Lyn Dance		
Chair of Trust Board:	Mr David Ellis		

<b>Monitoring and Evaluation</b>	
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Review delegated to:	

### **Document Version control**

<b>Version</b>	<b>Changes made</b>	<b>Date</b>
1.0	Initial set up of Trust-wide policy	February 2021

## **1. Introduction**

- 1.1. SAND Academies Trust (the Trust) is committed to complying with the Freedom of Information Act 2000 (the Act), the principles of openness and accountability and the general right of access to information. This policy sets out how we comply with the Act and establishes a framework for managing freedom of information (FOI) requests.
- 1.2. The public have a right to access recorded information held by public authorities which includes each of our schools. Each school should seek to promote an open regime regarding access to information, subject to the exemptions contained within the Act

## **2. Background**

- 2.1. The Act came into force on 1 January 2005 and gives the right to any person to ask for access to information held by the Trust and its school. The Act covers all recorded information held by each school; it is not limited to official documents and it covers, for example, drafts, emails, notes, recordings of conversations and CCTV recordings. Nor is it limited to information created by a school.
- 2.2. Requestors are entitled to be told whether or not the Trust holds the information and, where it is held, to receive a copy of it (subject to certain exemptions). The Act is fully retrospective so that any records which the Trust holds, irrespective of when they were created, can be requested under the Act.
- 2.3. The information which the Trust routinely makes available to the public is included in its FOI Publication Scheme. Requests for other information, not proactively published, should be dealt with in accordance with this policy and Information Commissioner's Office (ICO) guidance in this area. Whilst there is effectively a presumption of openness under the Act, this is not absolute and can be rebutted. There are statutory exemptions to protect certain information from disclosure.

## **3. Making a request**

- 3.1. Anyone can make an FOI request - they do not have to be UK citizens, or resident in the UK. FOI requests can also be made by organisations, for example a newspaper, a campaign group, or a company.
- 3.2. A requestor can address their FOI request to anyone in the Trust; all staff need to be aware of the process for dealing with such requests. Requests should always be passed to Lynn Campbell-Davies at [lynn.davies@sandmat.uk](mailto:lynn.davies@sandmat.uk) who will coordinate and send a response.
- 3.3. FOI requests must be made in writing (e.g. by letter or email) and should include the requestor's name and contact details, and state what information they require. Requestors do not have to mention the Act, nor do they have to say why they seek the information.

## **4. Timescales**

- 4.1. There is a duty on each school to respond to all FOI requests, telling the requestor in writing whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is a statutory time limit of twenty (20) school days for responding to the request. A 'school day' is any day on which there is a session and the pupils are in attendance. School holidays and staff training days are not school days so they are excluded when considering the time for compliance.

### **SAND Academies Trust**

Lyn Dance CEO & Executive Headteacher

Registered in England: Company Number 11968610

Registered Office: The Milestone School, Longford Lane, Gloucester, GL2 9EU - Telephone: 01452 874000 – [www.sandmat.uk](http://www.sandmat.uk)

- 4.2. The exception to this is if a 'qualified' exemption applies (see below) and the Trust needs more time to consider the public interest test; we can extend the time for compliance by a 'reasonable' period - in practice, it is recommended that normally this should be within a further 10 school days. Where this is the case we will contact the requestor within the first 20 school days informing them that a qualified exemption applies and include an estimate of the date by which a decision on the public interest test will be made.
- 4.3. Where we have notified the requestor that a charge is to be made (see below), the time period stops until payment is received and then continues again once payment has been received.

## 5. Scope

- 5.1. The Act is not the only law which gives a right to individuals to request information from Trusts. The General Data Protection Regulation 2018 (GDPR), Data Protection Act 2018 (DPA) and Environmental Information Regulations (EIRs) also give individuals this right.
- 5.2. Requests for personal data are still covered by the GDPR and DPA. Individuals can request to see what information the Trust holds about them. This is known as a Subject Access Request (SAR), and must be dealt with under data protection law. Information on handling these requests for personal data is set out in the Trust's Data Protection Policy.
- 5.3. Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the EIRs. They also cover issues relating to health and safety. For example, queries about chemicals used by the Trust, phone masts and car parks would all be covered by the EIRs. Requests under the EIRs are dealt with in the same way as those under the Act, but unlike FOI requests, they do not need to be written and can be made verbally. All requests should be directed to Lynn Campbell-Davies at who can be contacted via [lynn.davies@sandmat.uk](mailto:lynn.davies@sandmat.uk)
- 5.4. If any element of a request to the Trust includes personal or environmental information, these elements must be dealt with under the GDPR or EIRs respectively. Any other information is a request under the Act, and must be dealt with in line with this policy.

## 6. Obligations and Duties

The trust recognises its duty to:

- 6.1.1. provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information, and will help requestors to put more complex verbal requests into writing so that they can be handled under the Act.
- 6.1.2. tell requestors whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold unless we are permitted to withhold it.
- 6.2. It is an offence wilfully to conceal, damage or destroy information in order to avoid responding to an FOI request, so it is important that no records that are the subject of a request are amended or destroyed. Routine changes to the information while a Trust is dealing with a request are permitted as long as these would have been made regardless of the request.

## 7. Publication Scheme

- 7.1. The Trust has adopted the Model Publication Scheme for Trusts approved by the Information Commissioner.

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- 7.2. The Publication Scheme and the materials it covers are readily available on our website at <https://www.sandmat.uk/> or by request to the Trusts Operating Officer: Lynn Campbell-Davies at [lynn.davies@sandmat.uk](mailto:lynn.davies@sandmat.uk)
- 7.3. The Trust plans to review this scheme regularly. Whenever any information is provided in response to an FOI request, the Trust will assess whether the information is suitable for wider publication.

## **8. Dealing with requests**

- 8.1. The Trust will respond to all requests in a timely manner and within the statutory timescales detailed above.
- 8.2. We will contact the requestor as soon as possible if their request is ambiguous, with more than one potential interpretation, or no clear meaning at all. We will not deal with such requests until we have received the necessary clarification from the requestor. The timescale for compliance will begin when this clarification is received.
- 8.3. The Act only covers recorded information we hold. When compiling a response to a request for information, the Trust may have to draw on multiple sources of information, but we are not required to create an answer or information if it was not recorded.

## **9. Responding to requests**

- 9.1. If the Trust does not hold the information the requestor has asked for, we will inform the requestor of this, in writing. If we know that the information is held by another public authority, we may transfer the request to the relevant authority or advise the requestor to redirect their request.
- 9.2. When providing information we will send it by whatever means is most reasonable. For example, if the requestor has made their request by email, and the information is an electronic document in a standard form, then it would be reasonable for the Trust to reply by email and attach the information. Wherever possible we will accede to any specific requests made by requestors on the format by which they wish to receive the requested information.

## **10. Refusing a request**

- 10.1. Certain information which is requested can be lawfully withheld if it falls within the scope of an absolute or qualified exemption under the Act. Where an absolute exemption applies, the Trust can automatically withhold the information. Where a qualified exemption applies, the Trust will carry out a 'public interest test' to determine if the public interest in applying the exemption outweighs the public interest in disclosing the information.
- 10.2. Some exemptions apply only to a particular category or class of information, such as information held for criminal investigations. These are called class-based exemptions. Other exemptions require the Trust to judge whether disclosure may cause a specific type of harm, for instance, endangering health and safety, prejudicing law enforcement, or prejudicing someone's commercial interests. These are called prejudice-based exemptions.
- 10.3. The Trust will only withhold information if it is satisfied the legal criteria of one or more of these exemptions, as set out in the Act, is/are met. A full list of the exemptions is available on the ICO website at <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>

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- 10.4. The Trust will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption.
- 10.5. Where information is withheld under an exemption, the reason behind the decision will be made clear to the requestor, citing the exemption under which the information is being withheld.

## **11. Vexatious, repeated or manifestly unreasonable requests**

- 11.1. The Trust will refuse to supply information under the Act where the request is considered 'vexatious' or 'repeated' and under the EIR, where the request is considered 'manifestly unreasonable'.
- 11.2. When deciding whether the request (not the requestor) is vexatious, the Trust will consider whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation on the Trust and/or its staff.

## **12. Charging**

- 12.1. We reserve the right to refuse to supply information, or charge for its supply, where the cost of doing so exceeds the statutory maximum for academies, currently at £450. We may also charge requestors for communication costs, such as for photocopying, printing and postage.

## **13. Responsibilities**

- 13.1. The CEO of the Trust is ultimately responsible for ensuring the Trust complies with the Act.
- 13.2. The day to day responsibility for compliance with the Act has been delegated to the Trust's Operating Officer, Lynn Davies who can be contacted at [lynn.davies@sandmat.uk](mailto:lynn.davies@sandmat.uk)

## **14. Internal Review**

- 14.1. Whenever a Trust withholds information under an exemption, or for any other reason, it will inform the requestor of their right to seek an internal review of the decision. The internal review will be conducted by the Head or another senior member of staff who does not have detailed knowledge or involvement in responding to the initial request. If the result of the internal review is that any decision to withhold information be overturned, this information will be supplied to the requestor as soon as possible.
- 14.2. If, on investigation, the Trust's original decision is upheld, then the Trust has a duty to inform the complainant of their right to appeal to the ICO. Appeals to the ICO should be made in writing. They can be contacted at: <http://ico.org.uk/complaints>
- 14.3. The Trust will maintain records of all internal reviews and their outcome.