



Freedom of Information Policy

<p>Important: This document can only be considered valid when viewed on the Trust website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p> <p>Name and Title of Author:</p>	<p>Francesca Roper, Director of Trust Development and Compliance</p>
<p>Name of Responsible Committee/Individual:</p>	<p>Trust Board</p>
<p>Implementation Date:</p>	<p>June 2020</p>
<p>Review Date:</p>	<p>July 2024</p>
<p>Related Documents:</p>	<p>The Education Alliance Data Protection Policy, the Complaints Policy and Records Management and Data Quality Policy.</p>

Contents

	Page
1. Policy Statement	3
2. Scope	3
3. Roles and Responsibilities	3
4. Equality and Diversity	4
5. Policy Development including Consultation	4
6. Links with other Policies	4
7. Receiving a Request	4
8. Recording a Request	5
9. Responding to a Request	5
10. Claiming an Exemption	5
11. Reviews and Appeals	6
12. Vexatious Requests	6
13. Training	6
14. Outcomes and Impacts	7
15. Evaluation	7
16. References	7

1 POLICY STATEMENT

We are here to make great schools and happier, stronger communities so that people have better lives. We do this by:

- Always doing what is right
- Trusting in each other and standing shoulder to shoulder
- Doing what we know makes the difference

Doing what is right means always acting with integrity, in the interests of others and being honest, open and transparent.

The Education Alliance (the trust) understands its obligations under the current Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 (GDPR).

The Education Alliance takes its responsibilities regarding the 7 principles of public life (otherwise known as the 'Nolan Principles') seriously and this policy details its approach to accountability and access to information as required by the Freedom of Information Act 2000. The policy outlines the Trust's approach and framework for achieving its legal and statutory requirements in maintaining an appropriate level of openness and transparency. The 7 principles of public life were published in May 1995 and they include selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

In the spirit of openness and transparency, the Trust routinely publishes a range of information via its website, hard copy publications, and other forms of communication. Requests for additional information are managed in accordance with the statutory guidance and legal requirements.

2 SCOPE

The FOI Act sits alongside other legal frameworks, such as the Data Protection Act 2018 (DPA 2018), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations. Requests for personal information are covered by the DPA and GDPR and individuals can request to see the information the Trust holds about them via a Subject Access Request (SAR). Requests for information relating to the environment are covered by the Environmental Information Regulations (EIR). FOI covers any recorded information held by the Trust, including printed documents, computer files, letters, emails, photographs and sound or video recordings. FOI information may be held by the Trust in official documents, drafts, emails, notes, recordings of telephone conversations and CCTV recordings. It does not cover information that is known or understood, but not recorded.

3 Roles and Responsibilities

The Board of Trustees are responsible for ensuring compliance with the Freedom of Information Act 2000, however the Head Teacher within each school that make up the Trust, and the Director of the Yorkshire Wolds Teacher Training are responsible for ensuring compliance within the day to day activities of each school/institution.

The Head Teacher/Director and those in managerial or supervisory roles are responsible for ensuring that the Trust has processes and procedures in place that comply with the

Freedom of Information Act 2000 and this policy. All employees within the Trust are responsible for ensuring that information required to respond to requests is forwarded to the Director of Trust Development and Compliance in a timely manner to ensure that the Trust complies with requests within statutory timescales.

All employees are responsible for forwarding freedom of information requests to the DPO@theeducationalliance.org.uk

The Director of Trust Development and Compliance and or the Executive Assistant are responsible for liaising with the relevant employees to collate information in response to a request and/or establish if any exemptions should be claimed in response to a request.

The Director of Trust Development and Compliance is responsible for:-

- Providing advice and guidance on Freedom of Information requests.
- Logging details of and acknowledging all requests for information.
- Co-ordinating responses to requests for information.
- Considering draft responses and ensuring that requests are responded to.
- Co-ordinating internal reviews of requests.
- Monitoring response times against statutory timescales.
- Maintaining the School's Publication Scheme.

4 EQUALITY AND DIVERSITY

The Education Alliance is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged
- Where an FOI applicant is having difficulty in making or framing a written request the Trust may provide advice and assistance (e.g. the Trust might take a note of the application over the telephone and then send a note to the applicant for confirmation and return, or the Trust might direct the applicant to another agency such as the Citizens Advice Bureau to support the applicant in framing their request

5. Policy Development including Consultation

This policy has been developed in accordance with the Corporate Policy Guidance Notes. The following people and groups were consulted in development of this policy:

- East Riding of Yorkshire Council (*as part of a traded service*)
- Senior Leadership Team
- Board of Trustees

6. Links with other Policies

This policy links to other Trust documents:

- Data Protection Policy
- Data Quality and Records Management Policy

7. Receiving a Request

Any officer could receive a request for information held by the Trust. In order to be a valid request a request must -

- Be in writing;
- Clearly describe the information being sought;
- Contain the name of the applicant and a return address.

A request does not have to refer to the Freedom of Information Act in order to be a request under the Act. In all cases the categories of information published by the Trust pursuant to data transparency requirements should be checked to see if the information is already published. If this is the case the applicant should be told where the information can be obtained. If the information is information that the service area would routinely make public in any event the information should be provided to the applicant.

- Requests by individuals for their Personal Data held by the Trust should be dealt with as a subject access request outlined in the Trust's Data Protection Policy.

If an employee is unclear as to whether a request is for Freedom of Information or Personal Data guidance should be sought from the Director of Trust Development and Compliance.

All other requests for information should be forwarded to the DPO@theeducationalliance.org.uk as soon as they are received.

8. Recording a Request

Each request received by the Trust will be logged and the request will be acknowledged. The Director of Trust Development and or the Executive Assistant will confirm whether the information is held and will establish if any exemption from the duty to confirm information is held or the duty to provide information is being claimed.

9. Responding to a Request

The Trust will ensure the following information is recorded on file as part of responding to a request: -

- Whether information that comes within the scope of the request is held.
- Provide a copy of any information that is held.
- Setting out any exemptions from either the duty to confirm information is held or the duty to provide information.

The Director of Trust Development or Executive Assistant will respond to the person making the request informing whether the Trust holds any information that comes within the scope of the request and either provide a copy of the information and/or

setting out the grounds on which the Trust claim an exemption from either the duty to confirm information is held or the duty to provide information.

10. Claiming an Exemption

Where an exemption from disclosure is claimed the Director of Trust Development and Compliance must set out which of the exemptions from disclosure is claimed. In the majority of cases any exemption claimed will be a qualified exemption which will mean that a decision as to whether information should be withheld should be taken in two stages. Firstly a decision has to be made as to whether the information is covered by an exemption and then even if an exemption does apply the information must be disclosed unless the public interest favours non-disclosure. The Director of Trust Development and Compliance therefore needs to set out the exemption claimed, the public interest arguments in favour of disclosure, the public interest arguments against disclosure and a conclusion as to whether or not the public interest in maintaining the exemption outweighs the public interest in disclosing the information. If only an element of the information held contains exempt information, access should not be refused to the whole of the information unless it is absolutely necessary to do so in order to ensure that exempt information is not disclosed. Instead that information over which an exemption is claimed should be withheld and the remainder of the information provided.

11. Reviews and Appeals

An applicant has the right to ask for a review of any response to a request for information. Such a review must be carried out by a senior member of staff other than the member of staff who dealt with the original request. Following a review an applicant has the right to appeal to the Office of the Information Commissioner.

12. Vexatious Requests

The School is not obliged to comply with a request for information where that request for information is 'vexatious'. In order to be considered vexatious the request should be considered not the person making the request and the following factors should be taken into account -

- Could the request fairly be seen as obsessive?
- Is the request harassing the Trust or causing distress to staff?
- Would complying with the request impose a significant burden?
- Is the request designed to cause disruption or annoyance?
- Does the request lack any serious purpose or value?

If a request is deemed to be vexatious that should be communicated to the person making the request along with the reasons for treating the request as vexatious. Any such decision may be reviewed or appealed as set out in section 11.

13. Training

It is the Trust's policy that all employees with access to the Trust's computer network receive the appropriate training, in order to comply with the Act. ELearning or booklet training will be made available to all Trust employees.

Training in freedom of information should be provided at induction and refreshed when necessary (significant changes in training content). The Director of Trust Development and Compliance is responsible for ensuring training has been undertaken.

Failure to adhere to this policy can result in disciplinary action. Section 77 states that it is a criminal offence to alter, block, destroy or conceal information. Depending on the nature of the incident, employees could be charged with this offence. The penalty is a fine.

14. Outcomes and Impacts

- The Education Alliance and employees are aware of their duties under the Act
- The Education Alliance and employees are of who to contact for advice.
- Requests for information are handled in accordance with the Act.
- The school is compliant with the model publication scheme.
- Uphold people's right to see certain information covered by the Act.

15. Evaluation

The Freedom of Information Policy will be subject to a two yearly review to ensure that it is appropriate and responsive to all relevant legislation and guidance.

17. References

[Freedom of Information Act 2000](#)

[Data Protection Act 2018](#)

[ICO Guide to Freedom of Information](#)