

FREEDOM OF INFORMATION POLICY

Potteries Educational Trust



Policy Family	Information Governance
Reference	INF-02

Responsible Manager	Chief Information Officer
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Approval Date	June 2024
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Issue Number	1
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Aim

The Potteries Educational Trust is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests. The Trust will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so.

The underlying principle of this policy is that the public have a right to access to recorded information held by the Trust and that the Trust should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

Definitions

Exemptions

The FOI Act recognises the need to preserve confidentiality and protect sensitive material in some circumstances. A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry.

There are two general categories of exemptions: -

Absolute: where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest; and

Qualified: where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

The public interest test

If the exemption is qualified, the public interest test weighs up the public interest in maintaining the exemption against the public interest in disclosure.

The duty to confirm or deny

The obligation “to confirm or deny” that the Trust/individual holds the information being requested

Scope

The FOI Act joins the Data Protection Act (2018) and the Environmental Information Regulations (2004) as legislation under which anyone is entitled to request information from the Trust

This policy applies to all recorded information held by the Trust that relates to the business of the Trust. This includes:

- Information created and held by the Trust
- Information created by the Trust and held by another organisation on our behalf
- Information held by the Trust provided by third parties, where this relates to a function or business of the Trust (such as contractual information) and
- Information held by the Trust relating to Governors where the information relates to the functions or business of the Trust

Requests for personal data are still covered by the Data Protection Act (DPA). Individuals can request to see what information the Trust holds about them. This is known as a Subject Access Request and must be dealt with accordingly.

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 Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety. For example, queries about chemicals used in the Trust or on Trust land, phone masts, car parks etc., would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FOI, but unlike FOI requests, they do not need to be written and can be verbal.

If any element of a request to the Trust includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FOI, and must be dealt with accordingly

Policy

Responsibilities

The Board of Trustees

The Potteries Educational Trust as a corporate body is ultimately responsible for approval, implementation and oversight of this policy within all member organizations.

The Chief Executive Officer

- To ensure the Trust Board has all necessary information and training to hold Executive Leaders to account in their responsibilities under the statutory requirements covered by this policy
- To support the CIO in reporting risks and mitigations across the trust in line with the PET Freedom of Information policy
- To ensure the Executive Team are supported to fulfil their statutory responsibilities as per the PET Freedom of Information Policy

Headteachers and Principal(s) (prevention and compliance)

- To implement PET Policies and Procedures in their own academies.
- To ensure the Freedom of Information Champion has sufficient time and capacity to fulfil their responsibilities.
- To communicate and help staff with training to understand their responsibilities within the PET Freedom of Information Policy
- To be responsible for the management of Freedom of Information requests processed within their academies and ensure compliance with the PET Freedom of Information Policy and statutory requirements.
- To give appropriate time for the Freedom of Information Champions to attend trust training and network meetings to support them in their role
- To seek advice and guidance from the Chief Information Officer when required
- To ensure, when required, that the CIO has appropriate access to Freedom of Information processing activities to share with the DPO Service where required

Freedom of Information Champions (operational management in own academy)

- Coordinate Freedom of Information compliance matters for their academies
- Keep Headteachers/Principal updated as to trends, incidents and risks regarding Freedom of Information issues within their academies
- Be a point of contact for staff regarding Freedom of Information queries and issues at their academy
- Update relevant Freedom of Information matters to the attention of staff in their academy
- Participate in training in Freedom of Information compliance and attend Network meetings where appropriate. These will be booked well in advance to ensure that the workload is not increased unnecessarily.
- Complete a Freedom of Information audit once a year and report findings to the Headteacher/Principal

Chief Information Officer (strategic oversight of compliance, prevention and management)

- To provide support and advice to Headteachers/Principal (SFC) on Freedom of Information issues
- Be the Trust point of contact with the Data Protection/Freedom of Information Officer/Service
- To escalate issues to the Data Protection/Freedom of Information Service on behalf of the Headteachers/Principal/CEO or other members of the Central Services Team.
- To report to Trustees once a term on behalf of the DPO Services

Data Protection Officer/Service (external and independent guidance and resolution of serious issues)

- Assist the Trust to monitor internal compliance
- Inform and advise on Freedom of Information obligations

All Staff

- Be aware of and abide by this policy and associated guidance.

Obligations and Duties

The Trust recognises its duty to:

- provide advice and assistance to anyone requesting information. Each academy will respond to straightforward verbal requests for information and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.
- tell enquirers whether we hold the information they are requesting (the duty to confirm or deny) and provide access to the information we hold in accordance with the procedures outlined in the Process Maps found in Appendix 1

Implementation

Freedom of Information Champions

The Trust will appoint a group of Freedom of Information champions, each of whom will support the headteacher/Principal to implement good practice and monitor compliance within a specific team or location. Freedom of Information champions will be provided with specific training and support from the CIO to implement this policy and associated procedures for their areas of responsibility.

Training and Awareness

The Trust will

- Ensure all parties are aware of their responsibilities under Freedom of Information legislation and are aware of associated policies and procedures.
- Appropriate and regular training will be provided for all parties involved in processing Freedom of Information requests
- Freedom of Information training will be provided in the induction programme
- All parties will receive notification regarding changes to policies, standards and procedures on a timely basis.

Publication Scheme

- The Potteries Education Trust will adopt the Model Publication Scheme for Schools approved by the Information Commissioner.
- The Publication Scheme and the materials it covers will be published on the Potteries Education website

Dealing with Requests

- We will respond to all requests in accordance with the procedures laid down in Appendix 1

Exemptions

- Certain information is subject to either absolute or qualified exemptions. The exemptions can be found in the supporting guidance notes that accompany this policy

- When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.
- We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

Public Interest Test

- Unless it is in the public interest to withhold information, it must be released. We will apply the Public Interest Test before any qualified exemptions are applied.
- Information on applying the Public Interest Test can be found in the supporting guidance notes that accompany this policy

Charging

- The three information regimes contain different provisions that permit charges to be made for responding to information requests. The Trust may charge a fee for complying with requests, as calculated in accordance with FOI regulations.
- If a charge is to be made, the Academy will give written notice to the applicant before supplying the information requested.
- The Academy will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption.
- Where the Academy estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether to comply with the request. The Academy is not obliged to comply with such a request but may choose to do so.
- Further information with regards to charging can be found in the supporting guidance notes that accompany this policy

Complaints

- Any comments or complaints will be dealt with through the Trust's normal complaints procedure.
- We will aim to determine all complaints within 10 working days of receipt. We will publish information on our success rate in meeting this target. The Academy will maintain records of all complaints and their outcome.
- If on investigation the Academy's original decision is upheld, then the Academy has a duty to inform the complainant of their right to appeal to the Information Commissioner's office.
- Appeals should be to the Information Commissioner's office. They can be contacted at: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>

Communication

- The policy is approved by the Board of Trustees.
- The policy is communicated to all Staff through Staff induction, the Staff intranet, Virtual Learning Environment (VLE), email, mandatory training and refresher training on a 3-year cycle.
- Awareness and acceptance of the policy is a requirement for new Staff upon appointment.
- The policy is available on the Staff intranet and on request to members of the public.
- All stakeholders are kept informed of their rights regarding Freedom of Information through clear, simple information provided on the Trust website
- A range of standard letters and templates will be used to communicate with stakeholders, and these will be made available centrally to all Academies

Monitoring

- The implementation of the Freedom of Information Policy will be continuously monitored by each Headteacher/Principal with the support of the academy Freedom of Information Champion.
- A report will be presented by the CIO each half term to the Audit Committee providing a summary of all assurance and improvement actions taken in respect of Freedom of Information in the period since the last report, along with a summary of Freedom of Information requests received and actioned
- The Freedom of Information Policy is reviewed according to a documented programme of review by the Board of Trustees.

Associated Information and Guidance

Relevant legislation includes:

- Data Protection Act 2018 and General Data Protection Regulation (UKGDPR)
- Freedom of Information Act 2000
- Environmental Information Regulations (2004)

Further guidance:

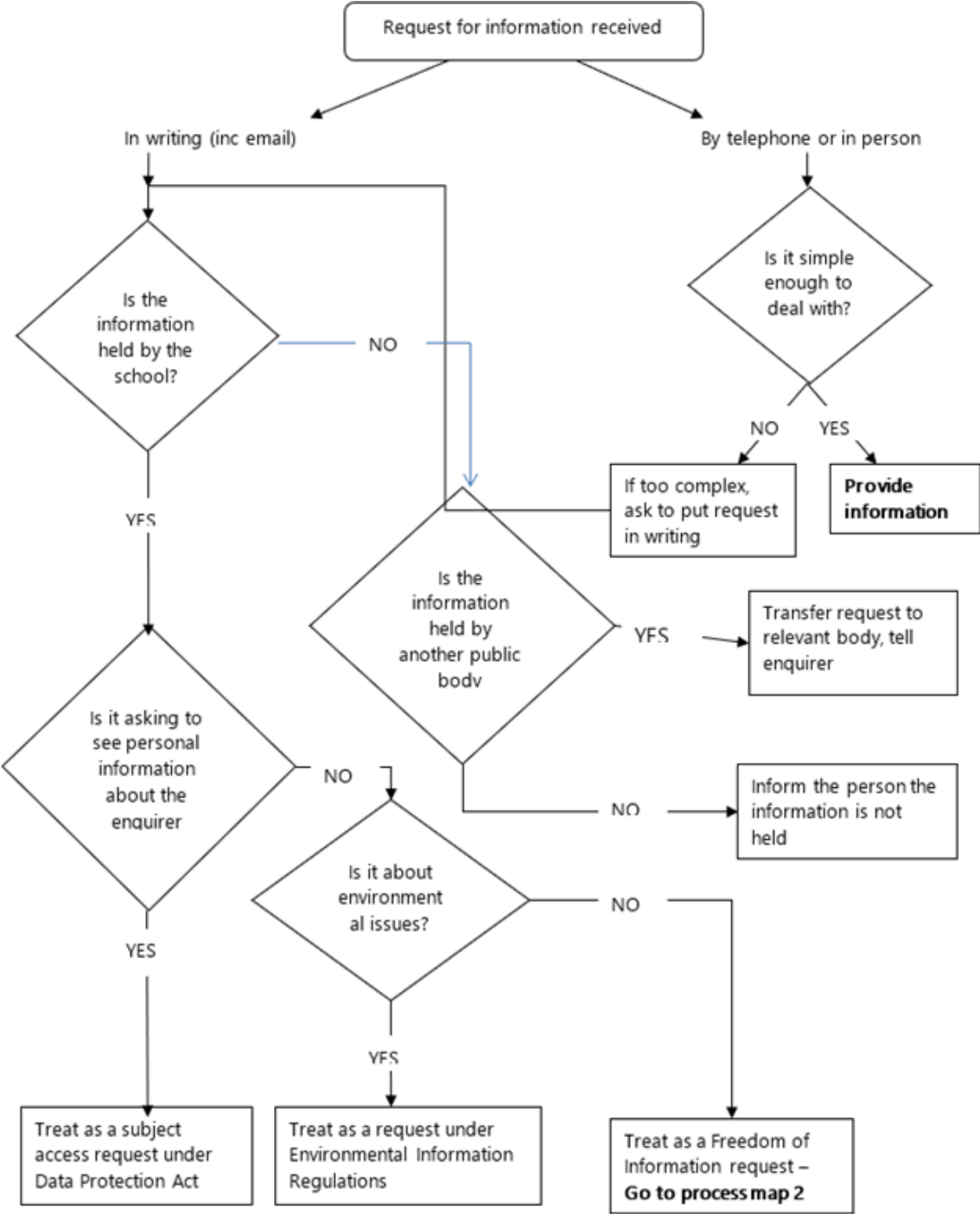
- The Information Commissioner's Office [Freedom of information guidance and resources | ICO](#)

Related Documents

- PET Data Protection Policy

Appendix 1: Procedure for Dealing with Requests

Process Map 1 for Dealing with Requests



Process Map 2 for Dealing with Requests

