



Freedom of Information Policy

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Owner	Head of Safeguarding and Compliance	Approved by	DCEO

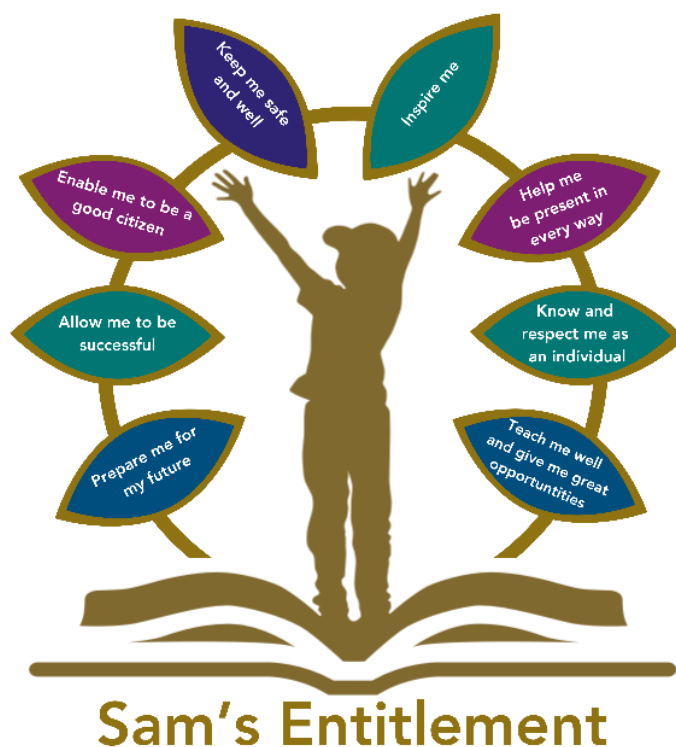


1. History of Policy Changes

Date	Page	Change	Origin of Change
Sept 26	3	Added Aims section outlining HET's vision, values and commitment to inclusion, excellence and pupil outcomes.	Alignment with HET policy template.
	4	Added Definitions section	Improved clarity and interpretation of policy provisions.
	4	Updated Responsibilities of HET to include designation of a FOIA Lead and oversight arrangements for requests.	Governance and accountability review
	4	Expanded Right of Access section to clarify submission routes, acceptance of requests by any HET school, staff escalation responsibilities and revised response timescales	Alignment with ICO guidance and HET operating procedures
	5	Added new section Circumstances Where No Response Is Required covering clarification requests, archives, repeated requests, fees and vexatious requests.	Legislative and procedural compliance.
	5-6	Replaced generic exemption wording with detailed FOIA exemptions, including sections 21, 22, 31, 36, 38, 40 and 41, and added public interest test requirements.	Alignment with current FOIA legislation and ICO guidance.
	6	Added Appropriate Limit section detailing the £450/18-hour threshold and how costs are calculated	Procedural clarification.
	7	Added Charging Fees section clarifying when charges may be applied and the use of fee notices.	Procedural clarification.
	7	Added Responding to a FOIA Request section setting out required content of responses and format requirements.	Procedural clarification.
	8	Added Providing Advice and Assistance section outlining support available to applicants	ICO best practice guidance.
	8	Added dedicated Vexatious Requests section detailing factors considered when refusing requests.	Alignment with FOIA requirements.
	8-9	Revised Internal Review and Contact Details sections, including updated Compliance Team contact information and review procedures.	Organisational and process update.
	10 onwards	Replaced previous appendix with a revised Model Publication Scheme structure and updated categories of published information.	Alignment with ICO Model Publication Scheme.

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3. Aims

Hamwic Education Trust (HET) believe that all pupils should receive a high quality, enriching, learning experience in a safe and inclusive environment, which promotes excellence through a broad curriculum that prepares them for their future and opens doors to a diverse array of opportunities as well as that all pupils and adults within HET flourish as individuals and together.

4. Purpose

This policy covers requests for information under the Freedom of Information Act 2000 ("FOIA"). It also covers enquiries relating to matters under the Environmental Information Regulations 2004 ("EIR"), namely enquiries about air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these.

This policy does not cover enquiries or subject access requests under the Data Protection Act 2018 or the UK General Data Protection Regulation, i.e. where the enquirer asks to see what personal information Hamwic Education Trust (HET) holds about them. These enquiries will be dealt with under the data protection policy which can be found on HET's website.

This policy applies to HET as a whole, including all schools within HET.

5. Responsibilities of HET

HET understands its responsibilities in relation to FOIA and is committed to applying them. This policy is designed to set out the ways that persons can access their rights to information.

HET will designate a member of staff as the lead contact for FOIA and EIR requests (the "FOIA Lead").

Details of how to contact the HET Compliance Team, who manage FOIA requests on behalf of HET are published in section 17.

6. Definitions

- 'HET', refers to the central operations of the Hamwic Education Trust alongside any HET school within our Multi Academy Trust.
- EIR means the Environmental Information Regulations 2004.
- ICO means the Information Commissioner's Office, the UK's data protection regulator.
- Information is defined in the FOIA as "any item of recorded material held by or on behalf of a public authority in paper or electronic form".
- FOIA means the Freedom of Information Act 2000.
- School Day means any day on which there is a session, and pupils are in attendance. School holidays and inset or training days are excluded from the definition of 'School Day'.

7. Publication scheme

HET has adopted the ICO model publication scheme. Further details on what HET provides access to can be found via this link: [ICO Model Publication Scheme](#).

In addition, HET has adopted a Guide to Information which sets out in more detail, across seven classes of information, the specific information HET makes available and the means by which it can be obtained. This is set out at Annex One to this policy.

8. Right of Access

Any person can make a freedom of information request for information that HET holds. The request must be in writing (which can include email) and state the requestor's name and correspondence address (including email address). It should clearly describe the information being requested with enough detail to enable us to identify and locate the information. Where a request is for environmental information, which can be released under the EIR, this request can be made verbally. We would request however that any request is made in writing.

A freedom of information request may be submitted to HET centrally or to any individual school within HET. A request received by any school will be treated as valid regardless of where within HET it is received. Requests may be submitted by email, by post, or online via HET's website. Any member of staff who receives a FOIA or EIR request must pass it to the HET Compliance Team at the earliest opportunity to ensure the response deadline is met.



If the freedom of information request is sent to HET or to a school within HET, a response will be provided as soon as possible but in any event within 20 School Days (or 60 working days if this is shorter). In certain circumstances where HET considers that a qualified exemption applies, HET may extend the period for responding to consider the public interest test as necessary, which is usually for a further 20 School Days, but may be longer. Where the time is extended to carry out the public interest test, the requester will be notified of the anticipated response date.

When responding to a request, HET must confirm whether or not the information requested is held by HET, provide a copy of the information requested (subject to exemptions set out below), provide details of the internal review procedure (see section 16 below) and explain the right to make a complaint to the ICO. In some circumstances where confirming or denying could itself reveal sensitive or personal data, HET may need to neither confirm nor deny whether the information is held.

9. Circumstances where no response is required

There are certain circumstances where HET will not be required to provide a response to a FOIA request. These are as follows:

- HET reasonably requires further information in order to clarify the request and has informed the requester of the need for clarification but has not received a response.
- The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
- The information requested is exempt from disclosure under the FOIA (see section 10 below).
- The cost of providing the information exceeds the appropriate limit (see section 11 below).
- The request is vexatious (see section 15 below).
- The request is a repeated request from the same person.
- A fee notice was not paid (see section 12 below).

10. Exemptions

Where the information requested is held by HET, HET need to consider whether the information can be released or whether the disclosure is exempt under the FOIA.

Common exemptions that may be applicable to HET include:

- Section 21 – the information requested is already publicly available.
- Section 22 – the information requested is information which HET intends to publish at a later date.
- Section 31 – the information requested could prejudice the effective detection and prevention of crime.
- Section 36 – the information requested is information which, in the opinion of the chair of trustees of HET, would prejudice the effective conduct of HET.



- Section 38 – the information could prejudice the physical health, mental health, or safety of an individual.
- Section 40(1) – the request is for the requester’s personal data. This should be dealt with as a ‘subject access request’ in accordance with HET’s data protection policy’.
- Section 40(2) – the information requested contains personal data of a third party, and the disclosure would breach one of the data protection principles.
- Section 41 – the information requested is information which has been provided to HET in confidence.

Some of the above exemptions are ‘qualified exemptions’. This means that HET must consider whether there is an overarching public interest in disclosing the information, even if an exemption applies.

The EIR has its own regime of exceptions, which are separate from the exemptions under the FOIA. Where a request concerns environmental information falling within section 4 above, HET should consider the applicable EIR exceptions rather than FOIA exemptions. Further guidance on the EIR exceptions regime can be obtained from the ICO's website at www.ico.org.uk.

11. The appropriate limit

HET is not obliged to provide information where complying with the FOIA request exceeds the cost limit set out by Regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

The cost limit is currently set at £450, which is equivalent to 18 staff hours.

When estimating how long it will take to comply with a FOIA request, HET can only take into account the following activities:

- Determining whether or not we hold the information.
- Finding the requested information, or records containing the information.
- Retrieving the information or records; and
- Extracting the requested information from records.

When estimating the amount of time it will take to comply with a FOIA request, HET cannot take into account the time needed to decide whether exemptions apply, to redact exempt information, or to carry out the public interest test.

Where the costs and resources of removing or redacting exempt information are likely to place a disproportionate burden on staff, HET may consider whether the request is vexatious (see section 15 below).



12. Charging fees

In certain circumstances, HET is permitted to charge a fee for certain costs in complying with a request. This includes charging for communication costs such as photocopying, printing and postage. HET is unable to charge fees for other costs such as staff time.

Where HET wishes to charge a fee, it must send a fees notice to the requester within 20 School Days (or 60 working days if this is shorter) giving the requester notice that a fee is to be charged for HET's compliance with the request.

Where a fee is to be charged, HET does not need to comply with the request until the fee is paid.

13. Responding to a FOIA request

HET will respond to a FOIA request within 20 School Days (or 60 working days if this is shorter) by:

- Confirming or denying whether HET holds the information requested, subject to section 8 above.
- Providing a copy of the information held by HET (unless an exemption applies).
- Explaining why any information has been withheld or redacted, quoting the appropriate section number in the FOIA and explaining how the information requested falls within that exemption. If the public interest test has been applied, this should also be explained.
- Providing details of the right to an internal review (see section 16 below); and
- Providing details of the right to make a complaint to the ICO.

If the requester asks for information to be provided in a specified format, HET will provide a response in that format where it is reasonable to do so.

14. Providing advice and assistance

The FOIA places obligations on HET to provide advice and assistance to individuals who make or are thinking of making a FOIA request.

HET may offer advice and assistance in the following circumstances:

- As requests must be made by a real person in order to be valid requests. Where we have reason to believe the requester has not provided their real name, we will request they provide evidence to confirm their identity.
- Where the request is ambiguous, we will seek clarification on the request by asking for further information to help identify and locate the information requested.
- Where the request would exceed the appropriate limit, we will provide the requester with advice and assistance to help them reframe the request in a way which would bring it within the appropriate limit.
- Where the information requested is available elsewhere, we will direct the requester where to access the information.



HET is not obliged to provide advice and assistance where the request is vexatious or repeated.

15. Vexations requests

HET does not have to comply with a request for information if the request is vexatious.

Requests will be considered on a case-by-case basis to determine whether they are vexatious.

Considerations will include:

- The burden on HET.
- The motive of the requester.
- The value or serious purpose of the request; and
- Any harassment or distress (of and to staff).

Where a request is considered to be vexatious, the requester should be notified that the request is being refused and inform the requester of their right to request an internal review and make a complaint to the ICO. There may be certain circumstances where it would not be appropriate to provide a full explanation of the reasons why the request is being refused, if the response would only encourage follow-up requests or correspondence.

16. Internal review

Where a requester is unsatisfied with the response to a freedom of information request, they may ask for an internal review of the decision. The internal review must be requested within two months of the decision notice being sent. A requester will in most cases receive the outcome of the internal review within 20 working/School Days.

All responses to FOIA requests must inform the requester of their ability to request an internal review and explain how to do so, unless there is a specific reason that an internal review will not be offered, such as a vexatious request. Requests for an internal review should be submitted in writing to the FOIA Lead.

Where a requester wishes to have an internal review of an EIR request, they have a statutory right to request this, which should be requested in writing within 40 working days of any breach of a requirement under the EIR. Once an internal review request is received, we aim to conclude the review and communicate the outcome of this within 20 working days.

If a requester remains unsatisfied with the response following an internal review, they can complain to the information commissioner using the following link: [FOI and EIR complaints | ICO](#).



17. Contact Details

FOIA and EIR requests can be submitted:

By email to: compliance@hamwic.org

By post to:

The Compliance Team

The Hamwic Education Trust
Unit E, The Mill Yard
Nursling Street
Southampton
SO16 0AJ

As noted at section 8 above, requests may be submitted to any school within HET and will be accepted wherever they are received.

If anyone has any concerns or complaints about this Freedom of Information Policy or the HET's publication scheme, they should contact the FOIA Lead at: compliance@hamwic.org

If you require a paper copy of any information set out in HET's Publication Scheme, please contact the Hamwic Education Trust at:

If you are not satisfied with the way in which we have dealt with your request, a complaint can be made to the Information Commissioner's Office: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 0303 123 1113. Website: www.ico.org.uk.

18. Link to other HET policies

- Data Protection Policy
- Record Management and Retention Policy



19. Annex One – Model Publication Scheme

CLASS ONE – WHO WE ARE AND WHAT WE DO (Applies to current information only)

Information available	How the information can be obtained
Articles of association	Companies House website
Funding agreements	DfE Website
Ethos and Values	Individual school website
Governing Body – Names, contact details and basis of their appointment	Individual school website
Staffing Structure – Names of key personnel	Individual school website
School Opening Times and Term Dates – Details of school times, holidays and term dates	Individual school website
Location and contact details – Postal address, telephone number, email address and website address	Individual school website
Name and contact details of the Headteacher and the Governing Body	Individual school website
School prospectus and outline of the school curriculum	Individual school website
Gender Pay Gap Reporting	HET's website

CLASS TWO – WHAT WE SPEND AND HOW WE SPEND IT (Applies to current information and previous two financial years)

Information available	How the information can be obtained
Annual financial statements, capital funding and income generation	HET's website
Statutory Accounts	HET's website
Procurement and Contracts - Details of procedures used for the acquisition of goods and services and details of contracts that have gone through a formal tendering process	HET's website
Staff and trustee expenses – Details of the [Trust/Academy/School]'s policy on claiming expenses	HET's website



Information available	How the information can be obtained
School Session Times and Term Dates – Details of school times, holidays and term dates	Individual school website
Executive Pay – Details of the number of employees whose salary and related benefits exceeded £100,000 during the previous academic year	HET's website
Pupil Premium Strategy – Details of how the school is spending its pupil premium funding and education outcomes disadvantage pupils are achieving]	Individual school website
PE and Sport Premium – Details of the amount of premium received, a breakdown of how it will be spent, impact and how improvement will be sustained	Individual school website

CLASS THREE – WHAT OUR PRIORITIES ARE AND HOW WE ARE DOING (Current information as a minimum)

Information available	How the information can be obtained
Latest Ofsted report	Individual school website / Ofsted website
Examination results	Individual school website / Government website
SEND Information Report – Details of report prepared in accordance with s.69 Children and Families Act 2014	Individual school website
Future plans – Details of any major proposals on future plans or consultations	HET's website / Individual school website

CLASS FOUR – HOW WE MAKE DECISIONS (Current information and previous three years)

Information available	How the information can be obtained
Information available	How the information can be obtained
Admissions Policy	Individual school website
Governing Board meeting agendas and minutes – This will not include information	HET's website / Individual school website

Information available	How the information can be obtained
which is exempt from disclosure under the Freedom of Information Act.	

CLASS FIVE – OUR POLICIES AND PROCEDURES (Applies to current information only)

Information available	How the information can be obtained
Policies including: Charging and Remissions Policy Complaints Policy Behaviour Policy Data Protection and Freedom of Information Policy Equality and Diversity policies Safeguarding and child protection Policy Health and Safety Policy Special Educational Needs Policy Relationships and Sex Education Policy Remote Education Policy Uniform Policy	Individual school website
Careers Programme Information	Individual school website

CLASS SIX – LIST AND REGISTERS (Applies to current information only)

Information available	How the information can be obtained
Information the [Trust/Academy/School] is legally required to maintain in lists and registers	Available on request subject to certain exemptions under the Freedom of Information Act 2000

CLASS SEVEN – THE SERVICES WE OFFER (Applies to current information only)

Information available	How the information can be obtained
Extra-curricular activities and out of schools clubs	Individual school website
School publications	Individual school website



Information available	How the information can be obtained
Services for which the academy is entitled to recover a fee together with the details of those fees	Individual school website
Leaflets, booklets and newsletters	Individual school website