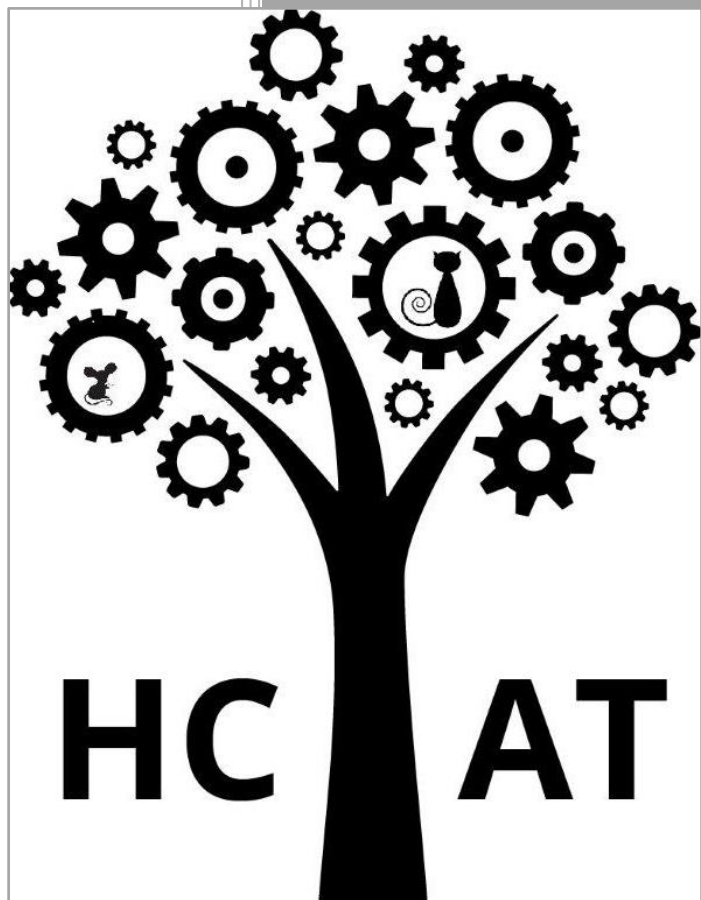


HCAT

Freedom of Information Policy and  
Procedures 2017



Vicky Harrison

# **HCAT FREEDOM OF INFORMATION POLICY AND PROCEDURES 2017**

## **Introduction**

HCAT is committed to the Freedom of Information Act 2000 (FOIA) and to the principles of accountability and the general rights of access to information, subject to legal exemptions. This policy outlines our response to the FOIA and the framework for managing requests.

## **Background**

The Freedom of Information Act 2000 (FOIA) came into force on 1st January 2005 for all schools. From 1st January 2011 all Academies will also be included. Under the Act, any person has a legal right to ask for information held by HCAT. They are entitled to be told whether HCAT holds the information, and to receive a copy, subject to certain exemptions.

All information that HCAT routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, any past records which HCAT holds are included. HCAT fully complies with the Retention Schedule produced by the Records Management Society of Great Britain, details are found in the Record Management and Retention Policy. It is an offence to wilfully conceal damage or destroy information in order to avoid responding to an enquiry.

Requests for information can be made to any member of staff, staff need to be aware of the procedure to forward all requests to the Chief Operating Officer immediately. Requests must be in writing (including email), and should include the enquirers name and address and state what information they require. They do not have to mention the FOIA or why they want the information. HCAT has a duty to respond to each request appropriately within 20 working days or within 60 working days if the request is made during the school holidays. Please refer to the Freedom of Information Procedure for information on the process upon receiving a request.

## **Obligations and Duties**

HCAT recognises its duty to:

- Provide advice and assistance to anyone requesting information.
- Tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with HCATs Freedom of Information Procedures.

## **HCAT Publication Scheme**

The HCAT Publication Scheme contains all information available under the FOIA. The Publication Scheme sets out the following:

- The classes of information which we publish or intend to publish;
- The manner in which the information will be published;
- Whether the information is available free of charge or on payment.

The scheme covers information already published and information which is to be published in the future.

The Publication Scheme and the materials it covers will be readily available in hard copy from HCAT. It is also available on the HCAT and Academies' websites.

This publication scheme conforms to the model scheme for Academies approved by the Information Commissioner.

### **Dealing with Requests**

All requests will be responded to in accordance with the HCAT Freedom of Information Procedure.

### **Exemptions**

Certain information is subject to either absolute or qualified exemptions. Details can be found in the HCAT Freedom of Information Procedure. 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. HCAT will maintain a register of requests where we have refused to supply information and the reasons for the refusal. Information will be retained for 5 years.

### **Public Interest Test**

Unless it is in the public interest to withhold information, it has to be released. HCAT will apply the Public Interest Test before any qualified exemptions are applied.

Information on applying the Public Interest Test is available in the HCAT Freedom of Information Procedure.

### **Charging**

We reserve the right to refuse to supply information where the cost of doing so exceeds the current statutory maximum of £450.

Information published on the HCAT and Academies websites is free although you may incur costs from an internet service provider. If you do not have access to the internet, you can access our websites using a local library or internet cafe.

### **Postage and Copying**

Where the cost of postage, printing or photocopying is below £10, we will not make a charge. Where it is over £10, the first £10 will be free of charge; after that, we will charge the full estimated cost of postage and copying. Before we produce the information we will tell you how much it will cost. If you decide not to pay, then we will not release the information.

If you decide to refine the request so it reduces the cost of, say, copying we are happy to discuss that with you.

### **Classes of Information Currently Published**

**Who Are We and What Do We Do - organisational information, structures, locations and contacts.**

<b>Description</b>	<b>Availability HC (Hard Copy) W (Website)</b>
Who's who in the Academy	HC and academy websites
Governing body members and the basis of their appointment	HC and academy websites
Instrument of Government	HC and academy websites
Contact details of the Principal and governing body	HC and academy websites
School Prospectus	HC and academy websites
Senior staff structure	HC
School session times and term dates	HC and academy websites

**What We Spend and How We Spend It – current and previous year financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit**

<b>Description</b>	<b>Availability</b>
Annual budget plan and financial statements	HC and the Charity Commission website <a href="http://www.charity-commission.gov.uk">www.charity-commission.gov.uk</a>
Capitalised Funding	HC and the Department for Education <a href="http://www.education.gov.uk">www.education.gov.uk</a>
Additional funding	HC
Procurement and projects	HC
Pay policy	HC
Staff grading and structure	HC

**Our Priorities – strategies and plans, performance indicators, audits, inspections and reviews**

<b>Description</b>	<b>Availability</b>
School Profile Government supplied performance data Latest Ofsted report	HC and academy websites, also available at <a href="http://www.ofsted.gov.uk">www.ofsted.gov.uk</a>
Performance management policy and procedure	HC
Schools future plans	HC
Safeguarding policies and procedures	HC

**Decision Making – processes and records for last 3 years**

<b>Description</b>	<b>Availability</b>
Admissions policy and decisions (not individual decisions)	HC and academy websites
Governing body meeting agendas	HC
Governing body meeting minutes (excluding information properly regarded as private to the meetings)	HC

**Policies and Procedures – current written protocols, policies and procedures**

<b>Description</b>	<b>Availability</b>
<b>School Policies</b>	
Charging and Remissions Policy	HC and academy websites
Health and Safety Policy	HC and academy websites
Complaints Procedure	HC and academy websites
Staff Conduct Policy	HC and academy websites
Discipline and Grievance Policy	HC and academy websites
Freedom of Information Policy and Procedure	HC and academy websites
Equal Opportunities Policy	HC and academy websites
Recruitment and Selection Policy	HC and academy websites
<b>Pupil and Curriculum Policies</b>	
Home School Agreement	HC and academy websites
Curriculum Policy	HC and academy websites
Sex Education Policy	HC and academy websites
Special Educational Needs Policy	HC and academy websites
Accessibility Policy	HC and academy websites
Race Equality Policy	HC and academy websites
Collective Worship Policy	HC and academy websites
Career Education Policy	HC and academy websites
Pupil discipline Policy	HC and academy websites
<b>Records Management and Personal Data Policies</b>	
Information security Policies	HC
Records Retention Policy	HC
Data Protection Policy	HC

### Lists and Registers – currently maintained only

Description	Availability
Curriculum circulars and statutory instruments	HC
Disclosure logs	HC
Asset register	HC

### Services – services we offer including leaflets, guidance and newsletters

Description	Availability
Extra-curricular activities	HC and academy websites
Out of school clubs	HC and academy websites
School Publications	HC and academy websites
Leaflets and books	HC and academy websites
Newsletters	HC and academy websites

### Comments and Complaints

We welcome comments and suggestions you may have about the scheme. If you want to make any comments about the publication scheme or if you require further assistance or wish to make a complaint this should be addressed to: **The Chief Operating Officer, HCAT, Sheffield Road, Hoyland, Barnsley, S74 0DJ.**

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioners Office. They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

**Tel:** 01625 545700

**Web:** [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

### Freedom of Information Procedure

Please read this procedure document in conjunction with the Freedom of Information Policy

## **Introduction**

This document explains the procedure for requesting information under the Freedom of Information Act (FOIA) 2000.

## **How to Request Information under the Freedom of Information Act**

If you require hard copies of any of the documents within the Publication Scheme, please contact the Chief Operating Officer at:

Address: **HCAT, Sheffield Road, Hoyland, Barnsley, S74 0DJ.**

To help us process your request quickly please clearly mark any correspondence 'PUBLICATION SCHEME REQUEST' (in CAPITALS please)

All requests should:

- Be in writing (including email or fax)
- State the enquirers name and correspondence address.
- Describe the information requested so that it is clearly identifiable.
- Not be covered by other legislation (e.g. data protection or environmental information)
- If the information you are looking for is not available via the publication scheme or on our website please contact us on the details above to ask if we hold the information.
- Verbal requests are not covered under the FOIA.
- Enquiries will be dealt with within 20 working days (or 60 working days if the request is received during the school holidays). If this deadline cannot be met ULT will inform the enquirer.

## **Non-Disclosure of Requested Information**

Information will not be disclosed if one or more of the following applies:

- An exemption to disclosure;
- The information sought is not held
- Requests are considered vexatious or repeated.
- The cost of compliance exceeds the threshold (£450)

## **Exemptions**

There are 2 general categories for exemptions:

- Absolute – where there is no obligation to confirm or deny the information is held, disclose the information or consider the public interest test.
- Qualified – where, even if an exemption applies, there is a duty to consider the public interest test.

## **Applying the Public Interest Test**

Once it has been established that a qualified exemption applies to a request, HCAT will apply the public interest test to establish whether the public interest in applying the exemption outweighs the public interest in disclosing it.

It is worth noting that what is in the public interest may not be the same as that which may be of interest to the public.

Factors taken into account when weighing up public interest include but are not limited to:

<b>For Disclosure</b>	<b>Against Disclosure</b>
Is the disclosure likely to increase access to information held by the school	Is disclosure likely to distort public reporting or be misleading because it is incomplete?
Is disclosure likely to give the reasons for a decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?	Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues still on the internal agenda or evolving?
Is disclosure likely to improve the accountability and transparency of the academy in the use of funds and help show that it obtains value for money?	Is disclosure likely to cause unnecessary public alarm or confusion?
Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed policy?	Is disclosure likely to seriously jeopardise the academy's legal or contractual position?
Is disclosure likely to increase public participation in decision making?	Is disclosure likely to infringe other legislation?
Is disclosure likely to increase public participation in political processes in general?	Is disclosure likely to create a controversial precedent on the release of information or impair your ability to obtain information in the future?
Is disclosure likely to bring to light information affecting public safety?	Is disclosure likely to adversely affect the schools proper functioning and discourage openness in expressing opinions?
Is disclosure likely to reduce further enquiries on the topic?	If a large amount of information on the topic has already been made available, would further disclosure shed any more light or serve any useful purpose?