



**HCAT**

# **Freedom of Information Policy and Procedure**

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# HCAT Freedom of Information Policy and Procedure

## 1. 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.

## 2. 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. It is an offence to wilfully conceal damage or destroy information in order to avoid responding to an enquiry.

## 3. 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 HCAT's Freedom of Information Procedures.

## 4. HCAT Publication Scheme

The HCAT Publication Scheme contains all information available under the FOIA. The Publication Scheme sets out the following classes of information which we publish or intend to publish;

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

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

## 5. Dealing with Requests

All requests will be responded to in accordance with the HCAT Freedom of Information Procedure (page 7).

## 6. 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.

## 7. 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.

## 8. 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.

## 9. 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

## Class 1 - Who we are and what we do

For example: Organisational information, staffing structures, locations and contacts. This will be current information only. This information may be available on our website or in hard copy or both.

Description
Who's who in the Academy
Governing body members and the basis of their appointment
Instrument of Government
Contact details of the Principal and governing body
School Prospectus
Senior staff structure
School session times and term dates

## Class 2 – What we spend and how we spend it

For example: Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit. Current and previous two financial years as a minimum. This information may be available on our website or in hard copy or both.

Description
Annual budget plan and financial statements
Capitalised Funding
Additional funding
Procurement and projects
Pay policy
Staff grading and structure

## Class 3 – What our priorities are and how we are doing

For example: Strategies and plans, performance indicators, audits, inspections and reviews. Current information as a minimum. This information may be available on our website or in hard copy or both.

Description
School Profile
Government supplied performance data
Latest Ofsted report
Performance management policy and procedure
Schools future plans
Safeguarding policies and procedures

## Class 4 – How we make decisions

For example: Decision making processes and records of decisions. Current and previous three years as a minimum. This information may be available on our website or in hard copy or both.

Description
Admissions policy and decisions (not individual decisions)
Governing body meeting agendas
Governing body meeting minutes (excluding information properly regarded as private to the meetings)

### **Class 5 – Our policies and procedures**

For example: Current written protocols, policies and procedures for delivering our services and responsibilities. Current information only. This information may be available on our website or in hard copy or both.

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

### **Class 6 – Lists and Registers**

For example: Currently maintained lists and registers only. This information may be available on our website or in hard copy or both. Please note some information may only be available by inspection.

<b>Description</b>
Curriculum circulars and statutory instruments
Disclosure logs
Asset register

### **Class 7 – The services we offer**

For example: Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses. Current information only. This information may be available on our website or in hard copy or both. Please note some information may only be available by inspection.

<b>Description</b>
Extra-curricular activities
Out of school clubs
School Publications
Leaflets and books
Newsletters

## Comments and Complaints

Anyone who has made an FOI request to HCAT and who is not happy with the response that has been received can have an internal review of how their request has been handled. This will be generally carried out by a senior member of staff who was not involved in the initial request response.

If a requester wishes to have an internal review, this should be requested within two months of the initial decision being communicated and should be emailed to [feedback@hcacademytrust.education](mailto:feedback@hcacademytrust.education). Once an internal review request is received, we aim to conclude the review and communicate the outcome of this within 20 school days.

Following an internal review, if the requester is still not happy with the response, they have the right to complaint to the Information Commissioner's Office

# 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

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

All requests should:

- Be emailed to [feedback@hcademytrust.education](mailto:feedback@hcademytrust.education)
- 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)
- 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 it 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.

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

For Disclosure	Against Disclosure
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	Is disclosure likely to cause unnecessary public alarm or confusion?



academy in the use of funds and help show that it obtains value for money?	
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?