



## Policy No: 12. Freedom of Information Policy

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<b>Coordinator</b>	<b>Executive Operations Manager</b>
<b>Review Frequency</b>	<b>Annually</b>
<b>Policy First Issued</b>	<b>2014</b>
<b>Last Reviewed</b>	<b>Summer Term 2017</b>
<b>Date policy considered by External HR Consultant</b>	<b>N/A</b>
<b>Date policy considered by External Solicitor</b>	<b>N/A</b>
<b>Agreed by Governors and adopted on</b>	<b>July 2017</b>
<b>Does this policy need to be agreed by Governors? If yes, which committee</b>	<b>Yes, Board of Governors</b>
<b>Due for Review</b>	<b>Summer Term 2018</b>
<b>This policy is communicated by the following means:</b>	
<b>Governors</b>	<b>Governor consultation by email when policy reviewed and agreement</b>
<b>Staff</b>	<b>Policy folders on staff shared drive and in-house training</b>
<b>Parents</b>	<b>Academy website, Parent Evenings</b>
<b>Students</b>	<b>Academy website, assemblies, in lessons</b>

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## Freedom of Information Policy and Procedure

### 1. Freedom of Information Requests

This policy outlines UTC@harbourside's framework for managing requests under the Freedom of Information Act 2000. The Freedom of Information Act (FOIA) came into force on 1<sup>st</sup> January 2005 for all Local Authority schools. From 1<sup>st</sup> January 2011, all Academies and University Technology Colleges were included.

Under the Act, any person has a legal right to ask for information held by UTC@harbourside. They are entitled to be told whether UTC@harbourside holds the information, and to receive a copy, subject to certain exemptions.

All information that UTC@harbourside routinely make available to the public is included in the UTC@harbourside Publication Scheme (Annex A). Requests for other information should be dealt with in accordance with the relevant statutory guidance.

Whilst the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, which means that any past records the UTC@harbourside holds are included. UTC@harbourside fully comply with the Retention Schedule produced by the Records Management Society of Great Britain. It is an offence to willfully conceal, damage or destroy information in order to avoid responding to an enquiry.

Requests for information can be made to any member of staff, and should be referred on to Kathryn Reynolds, Executive Operations Manager, who will engage the relevant academy staff in responding.

Requests under the FOIA must be in writing (including email), and should include the enquirer's name and address, and a clear statement of the information required. Requests do not have to mention the FOIA, or the reasons for requesting the information.

### 2. Obligations and Duties

UTC@harbourside has a duty to respond to each request appropriately within twenty school days. Further details of how this should be undertaken are included within the Freedom of Information Procedure (Annex B).

UTC@harbourside recognises its duty to:

- Provide advice and assistance to anybody requesting information.
- Tell the enquirer whether or not the college holds the information that they are requesting (the duty to confirm or deny).
- To provide access to the information it holds in accordance with UTC@harbourside Education's Freedom of Information Procedures.

### 3. UTC@harbourside Publication Scheme

The Publication Scheme contains all information available under the FOIA:

- 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 whether payment is required.

The Publication Scheme conforms to the model scheme for academies approved by the Information

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Commissioner. It covers information already published, and information which is to be published in the future. The Scheme and the materials it covers will be readily available in hard copy. It will also be made available on the UTC@harbourside website.

## 4. Exemptions

Certain information is subject to either absolute or qualified exemptions. Details of these can be found in the Freedom of Information Procedures. 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.

UTC@harbourside will maintain a register of requests where it has refused to supply information and the reasons for the refusal. Information held on this register will be retained.

## 5. Public Interest Test (see FOI Procedure)

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied (Annex B Freedom of Interest Procedure.)

## 6. 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 our websites is free, although you may incur costs from an internet provider.

Where the cost of postage or photocopying hard copies of information is below £10, we will not make a charge. Where it exceeds £10, the first £10 will be free of charge and, after that, we may charge the full estimated cost of postage and copying.

Before we produce the information, we will inform you of how much it will cost. If you decide not to pay, then we will not be able to release the information. If you decide to change the request so that it reduces the cost of copying and/or postage, we are happy to discuss that with you.

## 7. Comments and Complaints

UTC@harbourside welcomes comments and suggestions that you may have about the Publication Scheme. To communicate these, or if you require any further assistance, please contact: **Kathryn Reynolds UTC@harbourside, Railway Quay, Newhaven, BN9 0ER** or [kathrynreynolds@utc-harbourside.org](mailto:kathrynreynolds@utc-harbourside.org)

If you are not satisfied with the assistance you get, or if we have not been able to resolve an issue or complaint, then you should address your concerns to the Information Commissioner's Office. The contact details for this are: **Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF. Tel. 01625 545700.**

Website – [ico.org.uk](http://ico.org.uk)

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## ANNEX A: UTC@harbourside Publication Scheme

The following table provides details, by category, of the information that is currently available to the public, either via hard copy on request (HC) or the UTC@harbourside website (W). Hard copies may be subject to a photocopying/postage charge.

<b>Organisational Information</b>	<b>Availability</b>
Staffing structure and job titles	HC
Board members and the basis of their appointment	HC, W
Instrument of Government	HC, W
Director and Member Register of Interest	HC,W
Trust Scheme of Delegation	HC
Contact details for the Board	HC, W
Governor Register of Interests	HC,W
Contact details for Principal and Governing Body	HC, W
Prospectuses	HC, W
Session times and term dates	HC, W
Extra-curricular activities/clubs	HC,W
<b>Financial information</b>	<b>Availability</b>
Annual Accounts	HC, W
Annual budget plan	HC
Procurement of goods/services and capital projects	HC
Pay Policy	HC
Staffing structure and grades	HC
Governors allowances	HC
Assets Register	HC
<b>Strategic Planning</b>	<b>Availability</b>
Quality Improvement Plans	HC
Latest Ofsted Reports	W
Admissions Policy	HC, W
Governing Body meeting agendas & minutes (excluding information properly regarded as private to the meetings).	HC
<b>Policies and Procedures</b>	<b>Availability</b>
Charging and Remissions Policy	HC, W
Safeguarding Policies and Procedures	HC, W
Health & Safety Policy	HC
Complaints Procedure	HC, W
Disciplinary Policy	HC
Performance Management Policy and Procedure	HC
Grievance Policy	HC
Freedom of Information Policy and Procedure	HC, W
Equalities Policy	HC, W
Home-College Agreements	HC, W
Special Educational Needs Policy	HC, W
Accessibility Statement	HC, W

## Annex B: Freedom of Information Procedure

This document aligns with the Freedom of Information Policy and outlines the procedures for requesting information under the Freedom of Information Act (FOIA) 2000.

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## 1. How to Request Information under the Freedom of Information Act

If you require hard copies of UTC@harbourside documents within the Publication Scheme, please contact Kathryn Reynolds directly:-

Address: UTC@harbourside, Railway Quay, Newhaven. BN9 0ER

To help us process your request quickly, please clearly mark on any correspondence 'PUBLICATION SCHEME REQUEST' (in capitals).

All requests should:-

- Be in writing (including email and fax).
- State the enquirer's name and address for correspondence.
- Describe the information required so it is clearly identifiable.
- Not be covered by other legislation (e.g. Data Protection or environmental information).

If the information you require is not available via the publication scheme or on the website, please contact the Kathryn Reynolds **in writing** (which includes email) at the above address to ask whether the UTC@harbourside holds the information. Please note that verbal requests are not covered by the FOIA.

Enquiries will be dealt with within 20 working days (excluding academy holidays). If this deadline cannot be met, then the Trust or the academy will inform the enquirer.

## 2. 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 by the Trust or the academy.
- Requests are considered vexatious or repeated.
- The cost of compliance ensures the statutory threshold of £450.

## 3. Exemptions

There are two general categories for exemptions:-

- **Absolute** – where there is no obligation to confirm or deny the information is held, to disclose the information, or to consider the Public Interest Test.
- **Qualified** – where, even if an exemption applies, there is a duty to consider the Public Interest Test.

## 4. Applying the Public Interest Test

Once it has been established that a qualified exemption applies to a request, the Trust or academy will apply the Public Interest Test to determine whether the public interest in applying the exemption outweighs the public interest in disclosing the information.

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 UTC@harbourside	Is disclosure likely to distort public reporting or be misleading because it is incomplete?
Is disclosure likely to give the reasons for a	Is premature disclosure likely to prejudice

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decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?	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?