



# Freedom of Information Policy

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**Policy Reviewed and Adopted by**  
**Governing Board: 5th February 2024**

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**Responsible Officer: Business Manager: R Foxton**

## Introduction

Hawes Side Academy is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2000. The act was introduced to promote greater openness and accountability across the public sector making it a legal requirement for any public authority including schools and academies to:

- publish certain information proactively; and
- respond to requests for information.

While the act assumes openness, it also recognises that certain information is sensitive and exemptions are in place to protect it. The Freedom of Information Act 2000 does not give people access to their own personal data, how the academy manages personal data is outlined in the GDPR Policy.

## Purpose of this policy

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 General Data Protection Regulation i.e. where the enquirer asks to see what personal information Hawes Side Academy holds about them. These enquiries will be dealt with under the Data Protection Policy which can be found on the academy website.

## Legal framework

This policy has due regard to the following legislation:

- The UK General Data Protection Regulation (UK GDPR)
- The Data Protection Act 2018
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy also has due regard to guidance including, but not limited to, the following:

- Cabinet Office (2018) 'Freedom of Information Code of Practice'
- ICO (2021) 'Definition document for the governing bodies of maintained and other state-funded academies in England'
- ICO (2015) 'Model publication scheme'
- ICO (2016) 'Duty to provide advice and assistance (section 16)'
- ICO (2015) 'Time limits for compliance under the Freedom of Information Act (section 10)'

## Linked Documentation

- GDPR Policy
- Publication Scheme
- Records Management Policy
- Data Security and Breach policy

## Roles and Responsibilities

The Academy 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.

## Governing Board

The Governing Board have overall responsibility to ensure the management of data/information is in

accordance with statutory legislation.

### **Principal**

The Principal has overall responsibility for the day-to-day management of data/information is in accordance with statutory legislation. In particular, this includes ensuring the academy has a designated Data Protection officer.

### **Data Protection Officer (DPO)**

Whilst the DPO is not personally responsible for non-compliance with GDPR which includes management of data/information they will be tasked to assist and ensure that the academy is GDPR compliant and able to demonstrate this.

## **Definitions**

### **The Publication Scheme**

The Academy has adopted the Information Commissioners' Office model publication scheme. Further details of which can be found at <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>.

### **The right of Access**

The Freedom of Information Act gives any individual (or organisation) the right to request information held by the academy. Upon receipt of a written request the academy must either confirm or deny whether information of the description sought is held.

## **Related Procedures**

### **Hawes Side Academy Publication Scheme**

The academy publication scheme has been compiled on the basis of the advice and guidance of the Information Commissioner (ICO).

The scheme commits the academy to make information available to the public as part of its normal business activities.

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the academy and falls within the classifications below.
- To specify the information which is held by the academy and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme. The preferred medium will be the academy or Academy website, but information will also be available from individual schools or the Academy's Managed Service Team.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

The information covered is included in the classes of information mentioned below.

### **Classes of information**

Classes of information available under this scheme are:

#### Who we are and what we do

Organisational information, registered company details, locations and contacts, constitutional and legal governance.

#### What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the Academy.

The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Act, or is which otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that 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.

**Methods of Publication**

The academy will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of the Academy, information will be provided on our website.

Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, we will ensure that the same information can be obtained from the academy directly.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified an appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where the academy is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

**Charges**

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the academy for routinely published material will be justified, transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances justified, including the general principles of the right of access to information held

by public authorities, and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. The academy has the right to wait for payment to clear before releasing the request.

Payment may be requested prior to provision of the information.

### **Requests for information**

Requests for other information under the Act must be in writing and include the enquirer's name and correspondence address. They must also include a description of exactly what information is requested. Enquirers do not need to say why they require the information. Requests should be made in writing to:

### **The Principal/Freedom of Information Request**

**Hawes Side Academy**

**Johnsville Avenue**

**Blackpool**

**FY4**

**Email: [office.admin@hawes-side.co.uk](mailto:office.admin@hawes-side.co.uk) (please include 'Freedom of Information Request' in the subject of the email)**

### **General rights of access to information held by the academy**

Provided that the request meets the requirements set out in above, the academy will comply with its duty to:

- Confirm or deny to any person making a request for information to the academy, whether it holds information of the description specified in the request.
- Provide the documentation, if the academy confirms that it holds the requested information.

This will be completed no later than 20 academy days, or 60 working days if this is shorter, from receipt of the request.

Where a fee is charged, the timeframe within which the academy has to respond to the request begins from the day the fee is received.

The academy will not comply with this duty where:

- The academy reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
- 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.
- A request for information is exempt under section 2 of the Freedom of Information Act 2000.
- The cost of providing the information exceeds the appropriate limit.
- The request is vexatious.
- The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
- A fee notice was not honoured.
- The requested information is not held by the academy for the purposes of the academy's business.

Where information is, or is thought to be, exempt, the academy will, within 20 academy days, give notice to the applicant which:

- States that fact.
- Specifies the exemption in question.
- If information falls within scope of a qualified exemption and the academy needs additional time to consider the public interest test, the academy may extend the deadline. In most cases, the extension

will exceed no more than a further 20 academy days; however, the actual length of the extension will be decided on a case-by-case basis.

Where a public interest test extension is required, the academy will write to the applicant to inform them of this, stating the following information:

- Which exemption(s) the extension relies on and why
- A revised deadline for when the applicant will receive their response
- Where a deadline has to be further extended, the academy will write to the applicant again, stating the information outlined above.

Requests for information that is not recorded by the academy (e.g. requests for explanations, clarification of policy and comments on the academy's business) will not be considered valid requests. In these cases, the applicant will be provided with an explanation of why their request will not be treated under the Freedom of Information Act 2000 and the academy will respond to the applicant through other channels as appropriate.

The information provided to the applicant will be in the format that they have requested, where possible. Where it is not possible to provide the information in the requested format, the academy will assist the applicant by discussing alternative formats in which it can be provided. The information provided will also be in the language in which it is held, or another language that is legally required. If, under relevant disability and discrimination regulations, the academy is legally obliged to provide the information in other forms and formats, it will do so.

In some cases, a request may be dealt with under more than one access regime, e.g. if the request involves both information about the academy and personal information, it will be dealt with under the Freedom of Information Act 2000 and the Data Protection Act 2018.

Staff are made aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held by the academy with the intention of preventing disclosure following a request.

### **Exemptions**

Requested information may not be provided if one of the following applies:

- The Academy does not hold the information;
- There is a relevant exemption available; or
- The request is above the appropriate limit
- The request is considered vexatious or repeated

The exemptions that may be relevant depend on the request that has been made, but common exemptions include data protection, prejudice to the effective conduct of public affairs and information intended for future publication. There are other exemptions that may also be relevant.

### **The appropriate limit**

The academy will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.

When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the academy will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds the information.
- Locating the information, or a document which may contain the information.
- Retrieving the information, or a document which may contain the information.
- Extracting the information from a document containing it.
- Costs related to the time spent by any person undertaking any of the activities outlined in this policy on behalf of the academy, are to be estimated at a rate of £25 per person per hour.

The academy is not required to search for information in scope of a request until it is within the cost limit. If

responding to one part of a request would exceed the cost limit, the academy does not have to respond to any other parts of the request.

Where multiple requests for information are made to the academy within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the academy of complying with all of them.

We will inform you if one or more of these apply in any decision notice. Where the cost limit applies, we will explain how to refine the request to bring it within the cost limit and why the costs limit has been exceeded.

### **Means of communication**

Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the academy will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
- The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
- The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

Where a preference is not stated by the applicant, the academy will communicate by any means which are reasonable under the circumstances. For example, where an applicant uses Twitter to make a request, the academy may respond via an alternative medium as Twitter restricts the length of a response.

### **Providing advice and assistance**

The academy will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the academy.

The academy may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information the academy holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- If a request has been made, but the academy is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for the academy to assist the individual who has submitted the request.

The academy will provide assistance for each individual on a case-by-case basis; examples of how the academy will provide assistance include the following:

- Informing an applicant of their rights under the Freedom of Information Act 2000
- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
- Advising an applicant if information is available elsewhere and how to access this information
- Keeping an applicant informed on the progress of their request

Where the academy wishes to ask a different public authority to deal with a request by transferring it to them, this will only be done with the agreement of the applicant.

In order to provide assistance as outlined above, the academy will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request
- Adhere to the academy's Customer Services Policy which outlines the steps included within the code
- Accurately record and document all correspondence concerning the clarification and handling of any request
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances

- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified
- Remain prepared to assist an applicant who has had their request denied due to an exemption

The academy will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.

In circumstances where an applicant has difficulty submitting a written request, the academy will:

- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
- Direct the individual to a different agency that may be able to assist with framing their request.

Please note: This list is not exhaustive, and the academy may decide to take additional assistance measures that are appropriate to the case.

Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the academy, as a matter of good practice, will provide advice and assistance.

The academy will advise the applicant how and where information can be obtained, if it is accessible by other means.

Where there is an intention to publish the information in the future, the academy will advise the applicant of when this publication is expected. If the request is not clear, the academy will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.

If the academy believes the applicant has not provided their real name, the academy will inform the applicant that the request will not be responded to until further information is received from the applicant.

If the academy is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request. If any additional clarification is needed for the remainder of a request, the academy will ensure there is no delay in asking for further information.

Applicants are given two months to provide any requested clarification. If an applicant decides not to follow the academy's advice and assistance and fails to provide clarification, the academy is under no obligation to contact the applicant again.

If the academy is under any doubt that the applicant did not receive the advice and assistance, the academy will re-issue it. The academy is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under section 14 of the Freedom of Information Act 2000.

Where the academy has already sent a refusal request in relation to a previous vexatious request, the academy is not obliged to send another notice for future vexatious requests.

An ongoing evidence log is kept, recording relevant correspondence or behaviour that has been taken into account when a request has been classed as vexatious.

The academy is not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the academy will firstly provide the applicant with advice and assistance to help them reframe or refocus their request with a view of bringing it within the cost limit. Then the academy will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.

If a request is refined, it will be treated as a new request.

A record will be kept by the headteacher in the academy office of all the advice and assistance provided.

## **Consultation with third parties**



The academy may need to consult third parties about information held in scope of a request to consider whether it would be suitable to disclose the information. Situations where third parties may need to be consulted include the following:

- When requests relate to persons or bodies who are not the applicant and/or the academy
- When the disclosure of information is likely to affect the interests of persons or bodies who are not the applicant or the academy

The academy will consider if a third party needs to be directly consulted about a request, particularly, if there are contractual obligations that require consultation before information is disclosed.

Third parties will also be consulted where the academy is proposing to disclose information relating to them or information that is likely to affect their business or private interests.

The views of third parties will be given appropriate weighting when deciding how to respond to a request. For example, if the third party created or provided the information, they may have a better understanding of its sensitivity.

It is ultimately the academy's decision as to whether information in scope of a request will be released following any relevant consultation.

Where the academy decides to release information following consultation with a third party, the third party will be informed in advance that the information is going to be disclosed.

Where the academy intends to release information that relates to a large number of third parties, the academy will consider whether it would be more appropriate to contact a representative organisation who can express views on behalf of the third parties, rather than contacting each party individually. If no representative organisation exists, the academy may also consider only notifying or consulting a sample of the third parties relating to the disclosure. Decisions will be made on a case-by-case basis.

### **Internal reviews**

When responding to requests for information, the details of the academy's internal review process will be set out, including information about how applicants can request an internal review. Applicants will also be informed of their right to complain to the ICO if they are still dissatisfied following the outcome of the academy's internal review.

Requests for an internal review should be made in writing to the academy.

For a request for an internal review to be accepted, it must be made within 40 academy days from the date the academy issued an initial response to the request.

Upon receipt of an application, the academy will acknowledge an application and inform the applicant of the intended response date. Responses will usually be delivered within 20 academy days of receipt of the application.

If an internal review is complex, requires consultation with third parties or the relevant information is of high volume, the academy may need to extend the usual response timeframe. In these cases, the academy will inform the applicant and provide an alternative response date. In most cases, the extension will exceed no more than a further 20 academy days; however, the actual length of the extension will be decided on a case-by-case basis.

Where clarification is needed from an applicant regarding the review, the normal response period will not begin until clarification is received. Wherever possible, the review will be undertaken by a different member of staff than the person who took the original decision. During a review, the academy will evaluate the handling of the request; particular attention will be paid to concerns raised by the applicant.

The applicant will be informed of the outcome of the review and a record will be kept of such reviews and the final decision that is made. If the outcome of the review is to disclose information that was previously withheld, the information will be provided to the applicant at the same time they are informed of the response to the

review, where possible. If this is not possible, the applicant will be informed of when the information will be provided.

Within the response to a review, the applicant will be informed again of their right to complain to the ICO.

### **Contracts and outsourced services**

The academy will make clear what information is held by third party contractors on behalf of the academy. Where a contractor holds information relating to a contract held with the academy on behalf of the academy, this information is considered in the same way as information held by a public authority and so is subject to the Freedom of Information Act 2000.

When entering into a contract, the academy and contractor will agree what information the academy will consider to be held by the contractor on behalf of the academy, this will be indicated in the contract.

Appropriate arrangements will be put in place for the academy to gain access to information held by the contractor on the academy's behalf, in the event that a freedom of information request is made. These arrangements will be set out in a contract, and will cover areas including, but not limited to, the following:

- How and when the contractor should be approached for information and who the points of contact are
- How quickly information should be provided to the academy
- How any disagreement about disclosure between the academy and contractor will be addressed
- How requests for internal reviews and appeals to the ICO will be managed
- The contractor's responsibility for maintaining record keeping systems in relation to the information they hold on behalf of the academy
- The circumstances under which the academy must consult with the contractor about disclosure and the process for doing so
- The types of information which should not be disclosed and the reasons for this confidentiality, where appropriate

In some situations, the academy may offer or accept confidentiality arrangements that are not set out within a contract with a third party. The academy and the third party will both be aware of the legal limits placed on the enforceability of expectations of confidentiality and the public interest in transparency. Such expectations will only be created where it is appropriate to do so.

Contractors must comply with requests from the academy for access to information they hold on behalf of the academy. Requests for information held by a contractor on behalf of the academy will be responded to by the academy. If a contractor receives a request, this will be passed onto the academy for consideration.

### **Monitoring and Review**

This policy will be reviewed annually, or as required, in line with advice and guidance from the Information Commission.

## Appendix 1 - Publication Scheme Content

### Who we are and what we do

(Organisational information, structures, locations and contacts)

Information to be published	How the information can be obtained
Academy Funding Agreement	Department for Education website, Academy website or hard copy from the Academy
Academy staff and structure – names of key personnel	Academy website, Academy Parent Handbook or hard copy from the Academy
Academy governing body – names and contact details of the governors and the basis of their appointment	Academy website or hard copy from the Academy
Board of Directors	Companies House Website, Academy website or hard copy from the Academy
Academy session times, terms dates and holidays	Academy website or hard copy from the Academy
Location and contact information – address, telephone number and website	Academy website, Academy Prospectus/ Parent Handbook or hard copy from the Academy
Contact details for the Principal and the Governing Body	Academy website, Academy Prospectus/ Parent Handbook or hard copy from the Academy
Academy Prospectus/ Parent Handbook	Individual academy website or hard copy from the Academy
KS2 results	Academy website, DfE website

### What we spend and how we spend it

(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)

Information to be published	How the information can be obtained
Annual budget plan and financial statements	Academy website (published accounts) or hard copy from the Academy, Companies House website, EFA website,
Capital funding – details of capital funding allocated to the Academy and information on related building projects and other capital projects.	Academy website (published accounts) or hard copy from the Academy
Additional funding – Income generation schemes and other sources of funding.	Academy website (published accounts) or hard copy from the Academy, Companies House website, EFA website,
Procurement and contracts – details of procedures used for the acquisition of goods and services. Details of contracts that have gone through a formal tendering process	Hard copy from the Academy
Staffing and grading structure	Hard copy from the Academy

Pay policy – a statement of the Academy’s policy on procedures regarding staff pay.	Hard copy from the Academy
Governors’ allowances – Details of allowances and expenses that can be claimed or incurred.	Hard copy from the Academy (where applicable)

### What our priorities are and how we are doing

(Strategies and plans, performance indicators, audits, inspections and reviews)

Information to be published	How the information can be obtained
Academy profile Government supplied performance data Latest Ofsted report	DfE website, Edubase, Hard copy from the Academy
Performance management policy and procedures	Hard copy from the Academy
Child Protection policies and procedures	Academy website or hard copy from the Academy

### How we make decisions

(Decision making processes and records of decisions – current and previous three years as a minimum)

Information to be published	How the information can be obtained
Admissions Policy – arrangements and procedures and right of appeal	Academy website or hard copy from the Academy
Governing Body/Academy meetings agendas, papers and minutes – information that is considered to be private will be excluded	Hard copy from the Academy

### Our policies and procedures

(Current written protocols, policies and procedures for delivering our services and responsibilities – current information only)

Information to be published	How the information can be obtained
Statutory academy policies	Academy website / or hard copy from the Academy
Other academy policies	Hard copy from the Academy
Curriculum information	Academy website or hard copy from the Academy
Asset register	Available for inspection
Any information the Academy is currently legally required to hold in publicly available registers	Available for inspection

### The services we offer

(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)

Information to be published	How the information can be obtained
Extra-curricular activities	Academy website, Prospectus/ Parent Handbook, Newsletters or hard copy from the Academy
Out of academy clubs	Academy website, Prospectus/ Parent Handbook, Newsletters or hard copy from the Academy

Academy publications	Academy website or hard copy from the Academy
Service for which the academy is entitled to recover a fee, together with those fees	Hard copy from the Academy
Leaflets, booklets and newsletters	Academy website where applicable or hard copy from the Academy