

Freedom of Information

1 Introduction

- 1.1** The Freedom of Information Act (FOIA) 2000 gives members of the public the right to access information that public authorities hold. The legislation has a wide application across the public sector at national, regional, and local level.

As a public authority under Schedule 1 of the FOIA, Heart of Mercia Trust (HoM) has a statutory obligation:

- to publish certain information about its activities
- and respond to members of the public exercising their statutory right to request information from public authorities.

Furthermore, HoM's reputation is dependent upon the way the Trust and its member academies demonstrate that they are transparent and accountable in the conduct of their work and decision-making.

This policy has been prepared in accordance with the Freedom of Information Act (2000) and guidance issued by Information Commissioner's Office (ICO).

Details of these can be found at:

- [Freedom of Information Act 2000 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- [What is the Freedom of Information Act? | ICO](https://ico.org.uk/what-is-the-freedom-of-information-act/)

- 1.2** FOIA (2000) does not give people access to their own personal data (information about themselves). If a member of the public wants to see information that the Trust or one of its academies holds about them, they should make a data protection subject access request under the [HoM Data Protection Policy](#).

- 1.3** HoM is registered with the ICO as a data controller (registration number: ZA523083). The Data Protection Officer for HoM is Ruth Figg who is contactable on dpo@heartofmerciamultiacademytrust.org.uk

2 Aims and principles

- 2.1** The aim of the Trust in relation to public access to information is to demonstrate that it is open and accountable in the conduct of its work and decision-making.

The Trust and its academies have a model [HoM Publication Scheme and Guide to Information](#) as required by the Freedom of Information Act 2000 (FOIA). The Trust and its academies also comply with General Data Protection Regulations and ensures that personal data is dealt with appropriately through the [HoM Data Protection](#) and [Data Retention](#) policies.

This policy sets out the procedures for assisting those who wish to obtain information about Trust activities, meetings of the Trust Board, its committees and executive group.

Freedom of Information (FOI) requests aimed at obtaining information about the activities of individual HoM academies, their local governing bodies and committees can and should be made using the FOI policy of the individual academy concerned.

2.2 The principles which the policy embodies are that:

1. The procedure for requesting information will be accessible and well publicised.
2. The procedures will be simple to understand and use.
3. Requests will be dealt with speedily, with stated time limits for action.
4. Where confidentiality applies it will be respected.
5. The HoM Publication Scheme and Guide to Information will be adhered to.
6. Information will be provided free of charge unless significant work is involved in producing the information, as described in the Guide to Information.

3 Context

3.1 Register of Interests

Trustees and certain senior postholders of the Trust are required to complete a declaration of interest form for inclusion in the Register of Interests and to inform the Clerk of any changes during the year. The declarations are renewed annually in the autumn term.

The Register of Interests is kept by the Clerk to the Trust and can be inspected during office hours at the HoM academy detailed below.

- Hereford Sixth Form College, Folly Lane, Hereford. HR1 1LU

3.2 Identification of Chair, Chief Executive and Clerk

The name and contact details for the Chair, Chief Executive and Clerk to Trust are set out below:

The Chief Executive - Mr Peter Cooper
Email: p.cooper@heartofmerciamulti-academy-trust.org.uk

The Chair of the Trust - Dr Ken Hopkins
Email: k.hopkins@heartofmerciamulti-academy-trust.org.uk

The Clerk to the Trust - Dr Jonathan Godfrey
Email: jtg@hereford.ac.uk

3.3 **Confidentiality**

The Trust has agreed that confidentiality must be observed in accordance with General Data Protection Regulations 2018 and the exemptions in the Freedom of Information Act 2000, which allows for information to be withheld or qualified. This includes personal information deemed sensitive under General Data Protection Regulations 2018 and information where a public interest test applies. Guidance on where a public authority can refuse a request for information made under FOIA can be found here:

- [When can we refuse a request for information? | ICO](#)

3.4 The categories for determining confidentiality are:

- personal information relating to an individual;
- information provided in confidence by a third party who has not authorised its disclosure;
- financial or other information relating to procurement decisions, including information relating to the Trust negotiating position, during the course of those negotiations;
- information relating to the negotiating position of the Trust in employment relations matters, during the course of those negotiations;
- information relating to the financial position of the Trust where the Trust Board is satisfied in good faith that disclosure might harm the Trust or its competitive position;
- legal advice received from, or instructions given to the Trust's legal advisors;
- information planned for publication in advance of that publication; and/or
- information not otherwise covered above but considered to be commercially sensitive.

3.5 **Confidential minutes**

Where information has been recorded in the confidential minutes of a meeting, the Clerk will review these prior to the preparation of the papers for the meeting at which the confidential minutes would be approved. The Trust Board will review the categorisation of confidential minutes annually and make a recommendation to the Trust Executive group to ensure that minutes are released into the public domain unless there are still grounds for confidentiality.

3.6 **Attendance at Trust Board and Committee meetings by members of the general public and/or the media/press**

The Trust board has decided that attendance by the public or by the media / press at meetings of the Trust and its Committees is not allowed. In exceptional circumstances the Trust Board may decide (by a majority vote) to allow members of the public or media / press to attend for all or a specific part of a particular Trust Board or Committee meeting.

4 Procedure

- 4.1** The Trust produces a Publication Scheme and Guide to Information. This sets out the classes or categories of information that the Trust will routinely make available, it indicates the manner in which the information is available and whether any charge will be made.

The Trust will produce information covered by the Publication Scheme in the manner and at the charges set out in the Guide to Information.

- 4.2** Requests for information not covered by the Publication Scheme must be made in writing or via email.
- 4.3** Requests for information should be made in writing or via email addressed to the Chief Executive.

Requestors should include:

- Their name;
- A contact address;
- A detailed description of the information they want including dates if relevant;
- Any preference for the format for receiving the information;
- If it is regarding one of the Trust's academies, please either contact the academy directly or specify which school this request relates to, so the request can be sent directly to them for a response.

For postal requests, please send to the following address:

Hereford Sixth Form College, Folly Lane, Hereford. HR1 1LU

For email requests, please use, p.cooper@heartofmerciamultiacademytrust.org.uk

- 4.4** The Trust will provide the information requested within 20 working days of receipt of the request.
- 4.5** Where the Trust must decline, or is entitled to refuse to release information, the Trust will provide the reason(s) for refusing to disclose that information in a refusal notice, give details of our internal review (appeals) procedure and the requestor's right to complain to the ICO, providing details for this.
- 4.6** Information will be provided free of charge unless significant work is involved in producing the information requested. The Trust reserves the right to charge for large, complicated, or time-consuming FOI requests and an estimation of the costs will be provided.

- 4.7** Whilst the overwhelming majority of FOI requests are genuine, vexatious FOI requests are possible. The Trust will deal with FOI requests it identifies as vexatious in line with the guidance offered by the ICO.

This can be found at: [Dealing with vexatious requests \(section 14\) | ICO](#)

5 Review and Complaints

Where a refusal notice has been issued by the Trust, requestors can:

1. Request an internal review.

If a requestor is unhappy with the way a Freedom of Information request has been handled, they have the right to request an internal review.

An internal review request (appeal) should be made within 40 college/school days of the initial response. The deadline will be communicated to the requester. The Trust is not obliged to provide a review if it is requested after more than 40 school days.

The Trust will acknowledge an internal review request and provide a date for response, which will usually be within 20 college/school days.

There may be circumstances where more time is required to complete the internal review, e.g., to address complex issues, consult with third parties or consider substantial amounts of information. In these circumstances the requestor will be informed of this and a reasonable target date set, which will be no more than an additional 20 college/school days.

If the Trust requires clarification for an internal review request the timescale to respond does not start until the clarification is provided.

2. Complain to the ICO

If a requestor is still not happy with the response following an internal review, they may complain to the Information Commissioner. Details of how to do this can be found at <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

6 Monitoring

This Freedom of Information Policy will be monitored regularly as follows:

- the Chief Executive will be responsible for the oversight of this policy and its implementation.
- the operation of this policy will be reviewed annually by the Trust Executive Group.

Policy document

7 **Review**

This policy will be reviewed annually by the Trust Executive Group and where significant alterations are intended it will be presented for approval to the Trust's Finance and Resources Committee.

8 **Equality Impact**

The Trust's responsibilities towards promoting equality, diversity and inclusion have been considered when drafting this policy.

Date of review	Date agreed	LGBs	MAT Board	Review date	Comments
01/03/23		Summer 2023	16/3/2023	March 2024	