

Author	Encarna Aparicio	Target group	All employees, consultants and volunteers
Issued	January 2025		
Approved by	Audit & Risk Committee	Next review	December 2027

Freedom of Information Policy

Scope and publication

This policy covers requests for information under the Freedom of Information Act 2000 ('FOIA') at all Anthem Schools Trust (the Trust) schools. 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 data protection legislation i.e. where the enquirer asks to see what personal information the Trust or the schools run by the Trust holds about them. These enquiries will be dealt with under the Data Protection Policy, available on our website.

This policy outlines our approach to handling information requests under the EIR and FOIA and details of the Publication Scheme. 'Information' includes both hard copy and digital information, including email. This policy is available via the Trust website, each school website, and on request. This policy can be made available in large print or other accessible formats if required.

General approach to EIR

The Trust acknowledges that under the Environmental Information Regulations 2004 (EIR's), any person has a legal right of access to information held by the Trust or its schools which relates to the environment, defined broadly to include things such as waste management, air quality and noise pollution. The rights and responsibilities are broadly similar to those created by Freedom of Information.

We recognise our duty to:

- provide advice and assistance to anyone requesting information
- tell enquirers whether or not we hold the information they are requesting
- provide access to the information we hold, unless an exception applies.

An EIR request may be verbal or in writing (electronic or hardcopy). We will always respond in writing.

We will endeavour to deal with the request promptly and within 20 working days of receipt, however this time period can be extended to 40 working days if the request is complex and/or voluminous.

If we receive a request which we believe is too general, we will contact the applicant as soon as possible, but within the 20 day's timescale, to try to determine specifically what information it is that they would like or to clarify the request.

We reserve the right to make a reasonable charge to the requestor for making information available in some circumstances. A reasonable charge may include the disbursement costs in transferring the information to the requestor and the staff time taken to locate the information.

The EIR state exceptions that allow us to refuse to provide requested information. The exceptions are listed in Appendix 2 of this policy.

General approach to FOI

The Trust acknowledges that, under the FOIA, any person has a legal right to ask for access to information held by the Trust or its schools.

We recognise our duty to:

- provide advice and assistance to anyone requesting information
- tell enquirers whether or not we hold the information they are requesting unless exempted from this duty (the duty to confirm or deny)
- provide access to the information we hold, subject to legal exemptions, in accordance with the procedures laid down in this policy.

We recognise the presumption of openness that underlies the FOIA. We are committed to maintaining a well-managed records management and information system in order to comply efficiently with requests and we will adopt a straightforward approach to meeting requests for information.

Responsibilities

The Trustees are responsible for overseeing access to information across the Trust and this responsibility has been delegated to each headteacher. Day-to-day responsibility for the implementation of this policy and the provision of advice, guidance, publicity and interpretation of this policy is delegated to the school data protection lead of each school (see Appendix 1 of the Data Protection Policy), with support from the Trust Data Protection and Deputy Data Protection Officers. We will also ensure that all members of staff are aware of this policy and know that all requests for information should be passed without undue delay to the school data protection lead or Trust Deputy DPO.

We acknowledge that wilfully concealing, damaging or destroying information in order to avoid answering a request is an offence, and we will take all reasonable steps to ensure that records that are subject to a request for information are not deleted or amended by anyone within the Trust.

Publication scheme and Guide to information – publication scheme

Information which the Trust and its schools routinely make available to the public is included in our Publication Scheme, which is the model scheme approved by the Information Commissioner and can be access here:

<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

A copy of the Trust Guide to information – publication scheme, which contains further details about the information we publish, how to access it and whether any charges apply, is attached at Appendix 1.

Making a request for information

The Trust and its schools will only deal with valid FOI requests for information under this policy.

A valid FOI request must:

- be in writing (e.g. in a letter, an email, on a social networking site)
- include the requester's real name or the name of the person or organisation they are acting on behalf and include an address for correspondence (e.g. a residential or work postal or email address)
- describe the information requested - even if this description is broad or unclear. It will help us to identify and locate the information sooner if the requester includes enough information in their request.
- not be a request falling under the Data Protection Act (i.e. be a request for personal information)

In order that a request can be dealt with as quickly and efficiently as possible, it should be submitted by letter or email to the school data protection lead or Trust Deputy DPO. Contact details can be found in Appendix 1 of the Data Protection Policy.

We may have grounds to verify the requester's identity if:

- it is clear the requester is using a pseudonym; or
- there are legitimate grounds for refusing their request and we suspect they are trying to avoid this happening

Timescales for responding to requests for information

For schools, the standard time limit is 20 school days (as in days the school is open to students), or 60 working days if this is shorter. The time starts:

- from the first working day after we receive the request; or
- when we have received the clarification that we need to answer the request

Where a fee is to be made (see below), we are also not required to deal with the request until payment has been received. The 20 school days countdown will only begin or restart once the further information and/or payment has been received.

If a qualified exemption applies (see below) and we need more time to consider the public interest test, we will send a response within 20 school days stating that an exemption applies and giving an estimate of the date by which a decision on the public interest test will be made. This will normally be within a further 20 school days.

Charges relating to requests for information

The Act does not allow us to charge a flat fee, but we can recover our communication costs, such as for photocopying, printing and postage.

We are not required to comply with a request for information where we estimate that the cost of compliance will exceed £450. If our estimated cost of complying with the request does exceed £450, we will advise the requester accordingly and advise what, if any, information can be provided for under £450 and/or suggest a narrowed version of the request that could be handled within this limit. Should the requester wish us to provide the information as initially requested, we are entitled to charge in line with FOIA guidance.

Right to refuse to comply with a request for information

There are four reasons we may refuse to comply with a valid request for information under the FOIA:

- **The information is not held by us**

Once we have received the request, we will ascertain whether we hold the information requested. 'Holding' information means information relating to the business of the Trust or a school that we have created, received from another body or person, or is held by another body on our behalf. If, after reasonable enquiry, we are able to confirm that we do not hold the information requested, we will advise accordingly using the correspondence address provided.

- **The cost threshold is reached (£450) or it would take too much staff time to deal with the request**

We can refuse a request if deciding whether we hold the information would mean we exceed the cost limit, for example, because it would require an extensive search in a number of locations. Otherwise, we will say whether we hold the information, even if we cannot provide the information itself under the cost ceiling.

When calculating the costs of complying, we can aggregate (total) the costs of all related requests received within 60 working days from the same person or from people who seem to be working together.

If complying with a request would cost you more than the £450 limit, we can refuse it outright or do the work for an extra charge.

- **The request is considered vexatious or repeated**

There is no obligation on us to comply with vexatious requests, including confirming or denying whether we hold the information. This is a request likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation.

We can also refuse a request which seeks the same, or substantially the same information, as the applicant has previously requested, unless a reasonable time has passed between the requests.

- **One or more of the exemptions apply**

There are more than 20 exemptions. Where the potential exemption is a qualified exemption, we will also consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it.

Each case will be considered on its merits, and we will maintain records on any refusals made and the reasons for them. Records will be retained for five years in accordance with statutory guidance.

Further information about refusing a request for information can be found in the ICO's website:

<https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/#refusing>

The exemptions are outlined in Appendix 2 of this policy.

If we refuse a request, we will notify the requester in writing promptly or within 20 school days of receiving it, explaining:

- the fact that we cannot provide the information asked for
- which exemption(s) we believe apply
- why the exemption(s) apply to the enquiry (if it is not self-evident)
- reasons for refusal if based on cost of compliance
- in the case of qualified exemptions, how we have applied the public interest test, specifying the public interest factors taken into account before reaching the decision
- reasons for refusal on vexatious or repeated grounds

- the internal complaints procedure.

The duty to confirm or deny

A person applying for information has the right to be told if the information requested is held, and if that is the case to have the information sent (subject to any of the exemptions). We do not have to confirm or deny if:

1. the exemption is an absolute exemption, or
2. in the case of qualified exemptions, confirming or denying would itself disclose exempted information.

Consultation with third parties

Consultation with third parties may be required if their interests could be affected by release of the information requested, and any such consultation may influence the decision.

Redaction

If a request is made for a document which contains exempt information (for example, it contains personal information about a third party whose release to a third party would breach data protection legislation), the document may be issued by blanking out the relevant exempt information. This process is known as redacting.

Complaints

We welcome any comments or suggestions you may have regarding this policy.

If the requester is not satisfied that we have complied with the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 (EIR) in responding to the request, they can request an internal review by writing to our Data Protection Officer, Claire Pannell, at cpannell@anthemtrust.uk explaining what they would like us to review.

Internal review requests should be made within 40 school days of receipt of the initial response. We will acknowledge the internal review request and provide a response usually within 20 school days. There may be circumstances where we will require more time to complete an internal review. If that is the case, we will inform the requester accordingly and provide a reasonable target date.

We are not obliged to provide a review if it is requested after more than 40 school days.

If the requester is not satisfied with the outcomes of the internal review, then they have the right to appeal to the Information Commissioner's office.

Appeals should be made in writing to the Information Commissioner's office. They can be contacted at: Complaints Resolution Information Commissioner's Office Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or via the ICO's website.

Appendix 1: Anthem Guide to information - publication scheme

Introduction: What is a Publication Scheme and why has it been developed?

Anthem Schools Trust's (the Trust) is responsible for collating and publicising its own Guide to information - Publication Scheme about the work of the Trust, to provide further details in support of the model Publication Scheme. This Guide and Publication Scheme commits us to make information available to the public as part of our normal business activities.

This Scheme commits the Trust to:

- proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below
- specify the information which is held by the authority and falls within the classifications below
- proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme
- 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
- review and update on a regular basis the information the authority makes available under this scheme
- produce a schedule of any fees charged for access to information which is made proactively available
- make this publication scheme available to the public.

The classes of information include:

Who we are and what we do - organisational information, 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, tendering, 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 authority.

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 Freedom of Information Act, or is 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.

The method by which information published under our Publication Scheme will be made available

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

Where it is impracticable to make information available on the website, this Guide sets out how information can be obtained. Where information cannot be accessed via the specified means, the Trust (see below) can be contacted to discuss an alternative means of viewing the information.

In exceptional circumstances, information may be available only by viewing in person. In that case, the Trust (see below) can be contacted to make an appointment to view the information which we will endeavour to accommodate 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. If we are legally required to translate the information, we 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 Guide and Publication Scheme.

Charges which may be made for information published under the Scheme

The purpose of this Guide and the Scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Material which is published and accessed on a website will be provided free of charge. Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information.

Charges may also be made for information provided under this Guide and Scheme where they are legally authorised, they are justified in all the circumstances and are in accordance with a published schedule of fees in this Guide. If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment will be requested prior to provision of the information.

Written requests

Information held by us that is not published under this Guide and the Scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

Contact details

For a paper version of any information or to check whether information is available, our contact details are as follow: Anthem Schools Trust, 8-10 Grosvenor Gardens, Victoria, London SW1W 0DH. Email: enquiries@anthemtrust.uk. Website: www.anthemtrust.uk

To help us process requests quickly, any correspondence should be clearly marked 'Publication Scheme Request'.

Anthem Schools Trust – guide to information table.

Class 1 – Who we are and what we do <i>Organisational information, structures, locations and contacts. Current information only.</i>		
Information to be published	Information obtained from	Cost
Memorandum and articles of association	Website	No charge
Master Funding Agreement & Supplemental Agreements	Website	No charge
List of names of Members and Trustees of the Trust	Website	No charge
Staffing structure – names of key personnel	On request via Trust office, some on school websites.	No charge
Location and contact information – address and telephone number	Website	No charge
Class 2 – What we spend and how we spend it <i>Financial information relating to the projected and actual income and expenditure, procurement, contracts and financial audit. Current and previous two financial years as a minimum.</i>		
Information to be published	Information obtained from	Cost
Annual budget plan and financial statements	On request via Trust office	Schedule of charges
Annual Report and Accounts	Website	No charge
'Value for Money statement' from the Trust accounting officer explaining how Trust secured value for money during the financial years	On request via Trust office	No charge
Capital funding – details of capital funding allocated to the Trust along with information on related building projects/other capital projects	On request via Trust office	Schedule of charges
Additional funding – income generation schemes and other sources of funding	On request via Trust office	Schedule of charges
Procurement and contracts – details of procedures used for the acquisition of goods and services and details of contracts that have gone through a formal tendering process	On request via Trust office	Schedule of charges
Staffing and grading structure	On request via Trust office	Schedule of charges
Pay Policy – a statement of the Trust's policy on procedures regarding teachers' pay	On request via Trust office	No charge
Trustees' allowances – details of allowances and expenses that can be claimed or incurred	On request via Trust office	Schedule of charges
Class 3 – What our priorities are and how we are doing <i>Strategies, plans, performance indicators, audits, inspections and reviews). Current information only.</i>		

Information to be published	Information obtained from	Cost
The Trust profile including a statement of our ethos and values	Website	No charge
Performance data	On request via Trust office and on school websites	No charge
Performance management policy and procedures	On request via Trust office	Schedule of charges
Trust Improvement Plan	On request via Trust office	Schedule of charges
Child Protection and Safeguarding Policy and procedures	On school websites	No charge
Class 4 – How we make decisions <i>Decision making process and records of decisions. Current and previous three years as a minimum.</i>		
Information to be published	Information obtained from	Cost
Agendas of main Trustee meetings and (if held) its sub-committees	On request via Trust office	Schedule of charges
Minutes and papers of meetings (as above) – NB This will exclude information that is properly considered to be confidential	On request via Trust office	Schedule of charges
Class 5 – Our policies and procedures <i>Written protocols, policies and procedures for delivering our services and responsibilities. Current information only.</i>		
Information to be published	Information obtained from	Cost
The Trust-wide HR policies, including recruitment of staff	On request via Trust office, some on school websites.	No charge
The Trust-wide student policies	On school websites. Also, on request via Trust office	No charge
Records management and personal data policies	On school and Trust websites. Also, on request via Trust office	No charge
Charging regimes and policies	On school websites. Also, on request via Trust office	No charge
Equality and diversity - policies, schemes, statements, procedures and guidelines relating to equal opportunities	On school websites. Also, on request via Trust office	No charge

Continued over...

Class 6 – Lists and registers <i>Currently maintained lists and registers only.</i>		
Information to be published	Information obtained from	Cost
Asset register	On request via Trust office	Schedule of charges
Any information a school is currently legally required to hold in publicly available registers	Website or hard copy via Trust office	No charge (website) or schedule of charges
Class 7 – The services we offer <i>Leaflets, guidance and newsletters produced for the public and businesses. Current information only.</i>		
Information to be published	Information obtained from	Cost
MAT publications	Website or hard copy requested via Trust office	Schedule of charges or no charge (website)
Services for which the MAT is entitled to recover a fee, together with those fees	Website	No charge
Leaflets, booklets and newsletters	Website or hard copy requested via Trust office	No charge (website) or schedule of charges

Schedule of charges: this describes the charges which will be made

Type of charge	Description	Basis of charge
Disbursement cost	Photocopying/printing @ 3p per sheet (b&w)	Actual cost incurred by the Trust
	Photocopying/printing @ 10p per sheet (colour)	Actual cost incurred by the Trust
	Postage	Actual cost of Royal Mail standard 2 class
Statutory fee		In accordance with the relevant legislation

Appendix 2: FOI Exemptions

The FOIA defines a range of exemptions we can use to refuse part or all of a request, including confirming whether or not we hold the information.

There are two general categories of exemptions:

- Absolute: where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest, and
- Qualified: where, even if an exemption applies, there is a duty to consider the public interest in disclosing information

Exemptions which schools are likely to use are:

Absolute Exemptions – public interest test does not apply:

Section of the FOI Act	Exemption
S (2) 21	Information already reasonably accessible by other means (e.g. in the Publication Scheme)
S (2) 23	Information supplied by, or relating to, bodies dealing with security matters
S (2) 32	Court records, and information held in relation to court proceedings
S (2) 36	Prejudice to effective conduct of public affairs
S (2) 40	Personal information – available under Data Protection Act
S (2) 41	Information provided in confidence
S (2) 44	Information whereby disclosure is prohibited by an enactment or would constitute contempt of court

Qualified Exemptions – public interest test does apply:

Section of the FOI Act	Exemption
S (2) 22	Information intended for future publication
S (2) 30	Investigations & proceedings conducted by public authorities
S (2) 31	Law enforcement
S (2) 36	Prejudice to effective conduct of public affairs
S (2) 38	Health & Safety
S (2) 39	Environmental information
S (2) 40	Personal information relating to a third party
S (2) 42	Legal professional privilege
S (2) 43	Commercial interests

For a full list of exemptions view a copy of the Freedom of Information Act.

IER Exceptions

- Regulation 12 (4) (a) The information requested is not held by the Authority at time of request
- Regulation 12 (4) (b) The request is manifestly unreasonable
- Regulation 12 (4) (c) The request is too general
- Regulation 12 (4) (d) Request relates to unfinished documents
- Regulation 12 (4) (e) The request concerns internal communications
- Regulation 12 (5) Disclosure would adversely affect:
 - a) International relations, public security or national defence
 - b) The course of justice, the ability of any person to receive a fair trial or the ability of the Authority to receive a fair trial
 - c) Intellectual property rights
 - d) Confidentiality of the Authority's proceedings when covered by law
 - e) Confidentiality of commercial or industrial info, when protected by law to protect legitimate economic interest
 - f) The interests or protection of any person who supplied the information requested on a voluntary basis
 - g) The information relates to the protection of the environment.
- Regulation 13 Personal data