



The Sutton Academy

Freedom of Information Policy

Status	Statutory
Responsible Trustees' Committee	Finance & HR
Date last approved by TB	13/12/2022
Responsible Person	Mr P Blakemore
To Review Date	December 2024
Last Amended Date	December 2022

Purpose

The Sutton Academy is committed to the Freedom of Information Act 2000 which came into force on 1 January 2005 and which comes to include the Academies Act 2010, with effect from 1 January 2011. The academy is committed to the principles of accountability and the general right of access to information, subject to legal exemptions. The policy outlines our framework for managing requests.

Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by an academy. They are entitled to be told whether the academy holds the information, and to receive a copy, subject to certain exemptions.

The information which the academy routinely makes available to the public includes information available on the academy web site. Requests for other information are dealt with in accordance with 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, so that any past records which the academy holds is covered by the Act. The Academy has a Retention Schedule based on the schedule recommended by the Records Management Society of Great Britain, which guides the academy as to how long it should keep records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, and so it is important that no records that are the subject of an enquiry are amended or destroyed within the timescale set out by the Records Management Society of Great Britain.

Requests under the Act should be addressed to the Principal. All responses are to be cleared by the Principal prior to despatch. Staff need to be aware of the process for dealing with requests. Requests must be made in writing, (which can include email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, informing the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

Scope

The Director of Operations is responsible for ensuring compliance with academy policies and procedures. This procedure applies to all academy staff.

Requests for personal data are covered by the Data Protection Act. Individuals can request to see what information the academy holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these –

are covered by the Environmental Information Regulations. Requests under Environmental Information Regulations are dealt with in the same way as those under Freedom of Information Act 2000, but they do not need to be written and can be verbal.

Obligations and Duties

The Trust Board recognises the duty to provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.

The Trust Board also recognises the duty to 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 the internal procedures.

Exemptions

Certain information is subject to either absolute or qualified exemptions.

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.

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for five years from the date of the request.

Public Interest Test

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.

Charging

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

The Trust Board reserves the right to charge a fee for complying with requests for information under Freedom of Information Act. The fees are calculated according to Freedom of Information Act regulations, and the person notified of the charge before the information is supplied.

Responsibilities

The Trust Board has delegated the day-to-day responsibility for compliance with the FoIA to the Principal. A member of staff will be nominated to co-ordinate enquiries and to be a point of reference for advice and training.

Complaints

Any comments or complaints will be dealt with through the academy's normal complaints procedure.

If, on investigation, the academy's original decision is upheld, then the academy has a duty to inform the complainant of their right to appeal to the Information Commissioner's Office.

Appeals

Appeals should be made in writing to the Information Commissioner's Office at:

Freedom of Information and Environmental Information Regulations Complaints Resolution,
Information Commissioner's Officer, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9
5AF.