

Freedom of Information Policy and Publication Scheme

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1. Aims

It is the responsibility of the Propeller Academy Trust to have procedures in place to ensure that the Trust handles information requests covered by the Freedom of Information Act 2000 (FoIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004 (EIR) in accordance with the provisions laid out therein and that the Trust satisfies the standards set out in the Minister for the Cabinet office and Secretary of State's Codes of Practice on satisfying public authorities obligations under the FoIA, produced under section 45 of that Act.

The Trust is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2000 and the access provisions of the Data Protection Act 2018. The Trust will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so. The underlying principle of this policy is that the public have a right of access to recorded information held by the Trust and that the Trust should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

This policy applies to all schools within the Trust. All references to "The Trust" refer to the Propeller Academy Trust and all associated schools therein.

2. Legislation and guidance

The FoIA applies to all public authorities and came fully into force on 1st January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions.

The Act is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1st January 2005. Section 19 of the Act also obliges the Trust to make information pro-actively available in the form of an approved "publication scheme" which is available on the Trust website and linked via each school's website.

In addition, individuals currently have a statutory right of access to their own “personal data” under the DPA. Individual access rights to personal data are extended by the FoIA through amendments to the access provisions of the DPA.

The EIR provides a statutory right of access to “environmental information,” as defined in these regulations. The EIR came into force on 1st January 2005 and replaces the existing 1992 Regulations. The EIR are also fully retrospective.

The Government’s Information Commissioner enforces these three information regimes.

Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who can overturn any decision to withhold information. This policy does not cover personal written communications (such as personal e-mails sent by staff). The Trust’s Data Protection Policy establishes the standards regarding the use of “personal data” (as defined in the DPA).

3. Definitions

Term	Definition
DPA	Data Protection Act 2018
EIR	Environmental Information Regulations 2004
FoIA	Freedom of Information Act 2000
Information Request	A request for recorded information made under the FoIA, EIR or DPA.
The Public	Any individual or organization anywhere in the world.

Personal data	<p>Any information relating to an identified, or identifiable, individual.</p> <p>This may include the individuals:</p> <ul style="list-style-type: none"> • Name (including initials) • Identification number • Location data • Online identifier, such as a username <p>It may also include factors specific to the individual’s physical, physiological, genetic, mental, economic, cultural, or social identity.</p>
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4. Timescales

Freedom of Information requests should be dealt with within 20 working days, excluding school holidays. Requests for Data Protection (subject access requests) should be dealt with within 1 calendar month. Requests for pupil education records should be dealt with within 15 working days, excluding school holidays.

5. Delegated Responsibilities

Overall responsibility for ensuring that the Trust meets the statutory requirements of the FoIA, EIR and DPA lies with the Board of Trustees, and the Chair of Trustees has overall responsibility for information management issues. They have delegated the day-to-day responsibility of implementation to the CEO and the Headteacher of each Trust School. A central register of FOI requests is kept. All Trust staff are briefed on procedures and are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the Trust Data Protection Officer.

The Trust processes personal data relating to parents, students, staff, governors, visitors, and others, and therefore is a data controller. The Trust is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

6. Scope

This policy applies to all recorded information held by the Trust that relates to the business of the Trust. This includes:

- Information created and held by the Trust Central Team and each Trust school;
- Information created by the Trust and held by another organisation on our behalf;
- Information held by the Trust provided by third parties, where this relates to a function or business of the Trust (such as contractual information) and
- Information held by the Trust relating to Members, Trustees and Governors where the information relates to the functions or business of the school.

This policy applies to all staff employed by The Trust, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

6.1 Trust Board

The Board of Trustees has overall responsibility for ensuring that our schools comply with all relevant data protection and freedom of information obligations.

6.2 Data Protection Lead (DPL)/Officer (DPO)

The Data Protection Lead (DPL) (Director of HR and Operations) is responsible for overseeing the implementation of this policy, monitoring our compliance with the Freedom of Information Act, and developing related policies and guidelines where applicable, with advice and support provided via an independent Data Protection Officer (DPO), Nicola Cook of SchoolsDPO, nicola@schoolsdp.com

They will provide an annual report of their activities directly to Board of Trustees and, where relevant, report to the Board and the Local Governing Bodies their advice and recommendations on school data protection and freedom of information issues.

The DPL is also the first point of contact for individuals who are making a freedom of information request and will provide advice and guidance to staff and the public on any such requests.

The DPL is contactable via email at dpl@propellertrust.org

6.3 Headteacher

The Headteacher of each school within The Trust has been delegated responsibility for compliance with the FoIA within their school and acts as the representative of the Board of Trustees on a day-to-day basis.

6.4 All staff

Staff are responsible for contacting the DPL in the following circumstances:

- 6.4.1 On receipt of an information request;
- 6.4.2 Supplying information to the DPL when requested to comply with a FoIA request;
- 6.4.3 With any questions about the operation of this policy, data protection law, freedom of information regulations and retaining personal data or keeping personal data secure;
- 6.4.4 If they have any concerns that this policy is not being followed.

7. Requesting Information

The Trust has a duty under both the FoIA and EIR to provide advice and assistance to applicants making information requests. This includes assisting the applicant in making the application for information. Although no such duty exists under the DPA, the same level of care will be provided. FoI requests should be made in writing (incl. email) to the Trust.

7.1 Charges

The three information regimes contain different provisions that permit charges to be made for responding to information requests. The Board of Trustees may charge a fee for complying with requests, as calculated in accordance with FoIA regulations. If a charge is to be made, the Trust will give written notice to the applicant before supplying the information requested. The Trust will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption. Where the Trust estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. The Trust is not obliged to comply with such a request but may choose to do so.

7.2 Publication Scheme

Section 19 of the FoIA obliges all public authorities to make information pro-actively available in the form of a "publication scheme". This scheme lists categories, or "classes" of information that will routinely be made available without the need for a specific information request – Appendix 1 – Guide to information available under the publication scheme.

8. Withholding Information

The Freedom of Information Act contains 25 exemptions whereby information can be withheld. There are two categories; absolute and non- absolute. The Trust will only withhold information if it falls within the scope of one or more of these exemptions.

Where an absolute exemption applies, the Trust can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the Trust decides that the public interest is best served by withholding the information.

The absolute exemptions most relevant to the Trust are those that relate to:
information accessible by another means

- personal information
- confidential information
- prohibitions on disclosure.

The non-absolute exemptions most relevant to the Trust are those that relate to:

- information intended for future publication
- prejudice to the effective conduct of public affairs
- health and safety
- legal professional privilege
- commercial interests.

Certain exemptions also contain a “prejudice test,” which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption. The Trust will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption. The Trust will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a “public interest” exemption is being considered, the Trust will only withhold that information which it can demonstrate that the public interest will be best served by withholding.

When considering withholding information under a non-absolute exemption the Trust will take into account whether the release of the information would:

- promote further understanding of current issues of public debate;
- promote the accountability of decisions taken by the Trust and the spending and allocation of public money;
- bring to light matters of public safety;
- allows the public to understand and challenge decisions made by the Trust;
- be otherwise in the public interest.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld. The applicant will also be given details of the right to challenge the decision through the Board of Trustees and the right of appeal to the Information Commissioner’s Office.

Where the Trust plans to apply an exemption, it will consider whether other trusts/schools hold similar information. If this is considered likely, the Trust may contact the relevant trust/school(s) to ensure that a consistent response is provided to the applicant. The Trust will also refuse to supply information under the FoIA, where the request is considered “vexatious” or “repeated” and under the EIR, where the request is considered ‘manifestly unreasonable.’

9. Releasing a Third Party’s Information

The release of third-party information (either an individual or other organisation) will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of the DPA. Both the EIR and FoIA permit information to be withheld when its release would breach the provisions of the DPA. When the requested information relates to a living individual and amounts to “personal data” as defined in the DPA, its disclosure could breach the DPA. Therefore, the release of third-party personal information relating to living individuals will be considered in accordance with the data protection principles set out in Article 5(1) and Section 34(1) of the DPA.

Where appropriate, the Trust will contact the individual to ask for permission to disclose the information. If consent is not obtained, either because it was not considered appropriate to approach the third party or the third party could not be contacted, or consent is refused.

The Trust will then consider if it is reasonable to disclose the information, taking into account:

- any duty of confidentiality owed to the third party
- the steps taken to seek consent
- whether the third party is able to give consent and
- any express refusal of consent.

The decision to disclose third party information will also consider the impact of disclosure on the third party, relative to the impact on the applicant of withholding the information. Where the third party has been acting in an official, rather than private capacity, the Trust will be minded to disclose the information, although decisions will be made on a case-by-case basis. Where the information relates to a staff member, the provisions of the DPA will still apply in many circumstances but the nature of the information will influence the Trust's decision whether to release the information.

Where the information relates to a matter clearly private to the individual, e.g., a disciplinary hearing, the information will almost certainly be withheld. However, where the information relates to the member of staff acting in their official capacity, e.g., an expense claim, the information will normally be released. The exemption relating to the release of a third party's personal data will not be used to withhold information about administrative decisions taken by the Trust.

As the DPA only relates to living individuals, the exemption relating to Data Protection under both the EIR and FoIA will not apply to information held about the deceased. Where the request might be controversial the DPL will take advice from the Trust Board where necessary.

Where the third party is an organisation, rather than an individual, the provisions of DPA 2018 will not apply. The Trust will consider consulting the third party concerning the release of their information where:

- the views of the third party may assist the Trust to decide whether an exemption under the Act applies to the information and
- in the event of the public interest test being applied, where the views of the third party may assist the Trust to make a decision relating to where the public interest lies.

Consultation will not be undertaken where:

- the Trust will not be disclosing the information due to some valid reason under the Act
- the Trust is satisfied that no exemption applies to the information and therefore cannot be withheld and
- the views of the third party will have no effect on the decision e.g., where there is other legislation preventing disclosure.

Where input from a third party is required, the response time for the request remains the same. Therefore, it will be made clear to the third party at the outset that they have a limited time for their views to be provided and that where responses are not immediate, the decision to disclose may have to be made without their input in order for the Trust to comply with the statutory time limits dictated by the legislation. The Trust will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially.

10. Information held within contracts with the Trust

Any contractual information, or information obtained from organisations during the tendering process, held by the Trust are subject to the provisions of the FoIA and EIR.

Whenever the Trust enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording will be included in contracts to cover the impact of FoIA and EIR in relation to the provision of information held in contracts.

The Trust can withhold contractual information where its disclosure under either the FoIA or EIR could be treated as actionable breach of confidence. Where the Trust intends to include non-disclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed. The Trust will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.

Where information is not covered by the exemption relating to information accepted in confidence, a further exemption specifically under FoIA may be relevant, relating to commercial interests. This exemption is subject to a "public interest" test. Whenever the Trust has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the Trust will make the final decision relating to the disclosure of the information.

The Trust can also withhold information contained in contracts where any of the other exemptions listed in the FoIA or EIR are appropriate, although information will only be withheld in line with the Trust's policy on the use of exemptions. All future contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to an FoIA or EIR request.

11. Complaints Procedure

Whenever the Trust withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the Trust's complaints procedure and of the right of appeal to the Information Commissioner.

Any complaint received will be dealt with in accordance with the Trust's complaints procedure as detailed in its Complaints Policy. If the result of the complaint is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.

12. Requests for Personal Data

The Data Protection Act 2018 entitles an individual to his or her 'personal data', as defined in that Act, known as a "Subject Access Request"

Whenever a request is made under the DPA for personal data, the Trust will provide the applicant with the relevant information relating to that individual that is accessible under both the DPA and FoIA, subject to any exemptions. Where it is not possible to remove third party information without rendering the response useless to the individual, the provision of third-party information will be considered in line with Section 8 of this policy regarding the disclosure of third-party information.

13. Illegal Actions

It is a criminal offence under any of the three information regimes for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information request. Both the FoIA and EIR contain specific provisions to make such action a criminal offence.

14. Monitoring arrangements

The DPL is responsible for the monitoring and review of this policy.

This policy will be reviewed and updated if regulations change that affect our Trusts practices. Otherwise, this policy will be reviewed **every 3 years**, agreed by the Board of Trustees, and shared with the individual school's Local Governing Bodies.

A copy of this policy will be available on the Trust website. Comments from staff, parents, and members of the public on this policy and its implementation are welcome and can be addressed to: Chief Executive Officer, Propeller Academy Trust, c/o Fitzwaryn School, Denchworth Road, Wantage, Oxfordshire, OX12 9ET

15. Links with other policies and procedures

This data protection policy is linked to our:

- Data Protection Policy
- Data Retention Policy

Appendix 1 – Guide to Information available under the Publication Scheme

Information	How the information can be obtained	Cost
Class one: Who we are and what we do (Organisational information, structures, and contacts) (current information only)		
Address of the Trust Office/s and Trust schools and contact details, including email addresses	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Contact details of the Headteacher, Board of Trustees, and Local governing bodies, via the Trust/school (named contacts where possible)	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Who's who in the school	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Who's who on the Board of Trustees/Local governing bodies and the basis of their appointment	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Staffing structure	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Instrument of Government/Articles of Association	Website or Hard copy: available upon request	Free 5p per page (hard copy)
School prospectus (if any)	Website or Hard copy: available upon request	Free 5p per page (hard copy)
School session times and term dates	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Information	How the information can be obtained	Cost
Class two: What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts, and financial audit) (current and previous financial year as a minimum)		
Annual accounts	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Annual report	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Annual budget plan and financial statements.	Hard copy: available upon request	5p per page (hard copy)
Capital funding	Hard copy: available upon request	5p per page (hard copy)
Financial audit reports	Hard copy: available upon request	5p per page

	request	(hard copy)
Details of expenditure items over £2,000 – published at least annually, where practical, at a more frequent quarterly or six-monthly interval)	Hard copy: available upon request	5p per page (hard copy)
Procurement and contracts that we have entered into	Hard copy: available upon request	5p per page (hard copy)
Pay policy	Hard copy: available upon request	5p per page (hard copy)
Staff allowances and expenses that can be incurred or claimed, with totals paid to individual senior staff members (Senior Leadership team or equivalent, whose basic annual salary is at least £60,000 per annum) by reference to categories	Hard copy: available upon request	5p per page (hard copy)
Staffing, pay and grading structure. As a minimum the pay information should include salaries for senior staff (Senior Leadership Team or equivalent as above) in bands of £10,000; for more junior posts, by salary range	Hard copy: available upon request	5p per page (hard copy)
Members, Trustees or Governors' allowances that can be incurred or claimed, and a record of total payments made to individual Members, Trustees or Governors	Hard copy: available upon request	5p per page (hard copy)
Information	How the information can be obtained	Cost
Class three: What our priorities are and how we are doing (strategies and plans, performance indicators, audits, inspections, and reviews) (current information, as a minimum)		
The Trust and school profiles (if any) <ul style="list-style-type: none"> Performance data supplied to the English Government (or a direct link to the data) The latest Ofsted report <ul style="list-style-type: none"> Summary Full report Post-inspection action plan 	Website: Search for schools, colleges and multi-academy trusts - Compare school and college performance data in England - GOV.UK Website: Find an Ofsted inspection report Hard copy: available upon request	Free 5p per page (hard copy)
Performance management policy and procedures adopted by the Board of Trustees	Hard copy: available upon request	5p per page (hard copy)
Performance data or a direct link to it	Website or Hard copy: available upon request	Free 5p per page (hard copy)
The Trust/school's future plans, e.g., proposals for any consultation on the future of the Trust/school's, such as a change in status, expansion	Hard copy: available upon request	5p per page (hard copy)
Safeguarding and child protection policies and procedures	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Information	How the information can be obtained	Cost
Class four: How we make decisions (decision making processes and records of decisions) (current and previous three years, as a minimum)		
Admissions policy (not individual admission decisions)	Website or Hard copy: available upon request	Free

		5p per page (hard copy)
Agendas and minutes of meetings of the Board of Trustees, Local governing bodies, and their committees (N.B this will exclude information that is properly regarded as private to the meetings)	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Information	How the information can be obtained	Cost
Class five: Our policies and procedures (current written protocols, policies, and procedures for delivering our services and responsibilities) (current information only)		
Trust and school policies and procedures	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Records management and personal data policies, including: <ul style="list-style-type: none"> • Information security policies • Records retention, destruction, and archive policies • Data protection (including information sharing policies) 	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Charging regimes and policies	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Information	How the information can be obtained	Cost
Class six: Lists and Registers (currently maintained lists and registers only, this does not include the attendance register)		
Curriculum circulars and statutory instruments	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Disclosure logs	Inspection only	Free
Asset register and Information Asset register	Inspection only	Free
Any information the school is currently legally required to hold in publicly available registers (this does not include attendance registers)	Website or Hard copy; some information may only be available upon inspection only	Free
Information	How the information can be obtained	Cost
Class seven: The services we offer (information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) (current information only)		
Extra-curricular activities	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Out of school clubs	Website or Hard copy: available upon request	Free 5p per page (hard copy)
Services for which the school is entitled to recover a fee, together with those fees	Website or Hard copy: available upon request	Free 5p per page (hard copy)
School publications, leaflets, books and	Website or Hard copy:	Free

newsletters, school blogs	available upon request	5p per page (hard copy)
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SCHEDULE OF CHARGES

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement costs	Photocopying/printing @ 5p per sheet (black & white)	Actual cost, plus admin fee
	Photocopying/printing @ 8p per sheet (colour)	Actual cost, plus admin fee
	Postage (if the document required is not acceptable as an electronic copy)	Actual cost of Royal Mail standard 2 nd class/recorded delivery