



Freedom of Information Policy & Publication Scheme

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Approved By	HISP Trust Board
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Our Trust's Freedom of Information Policy

From 2024 we write our policies through a particular lens: these documents are vital to the underpinning for our Trust to be one Trust. References to “you” are intended to explain the important role you, the reader, have in our Trust and references to “we” refer to the responsibilities we recognise HISP has as an employer. Together we are One Trust.

1. Introduction

HISP Multi Academy Trust (“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 (DPA). We will make every effort to meet our obligations under the respective legislation and we will regularly review procedures to ensure that we are doing so.

The Act gives legal rights to any person wishing to access information held by The Trust. We have a duty to provide advice and guidance to anyone requesting information. This policy outlines information regarding the Act with details of the procedures to follow should a request for information be received.

However, it should be noted that information that the Act covers for academies is restricted to information held for the purposes of the proprietor's functions under academy arrangements i.e. those arrangements between the Department for Education (DfE) and the Trust relating to agreements and financial assistance for the academy. This scheme should be read in line with this limitation.

2. Scope

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

- Information created and held by the Trust.
- 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 Trustees and Governors where the information relates to the functions or business of the Trust.

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)

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3. Requesting Information

The Data Protection Officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

The DPO is also the first point of contact for individuals whose data the Trust processes, and for the ICO.

The DPO for the Trust and its schools is Dr Kevin Thurlow-Criss who can be contacted on info@hispmat.org or via 02382 541374.

The Trust DPO is supported in his role by an independent data protection service supplied by Global Policing Limited. Global Policing is an organisation run by ex-senior police officers who specialise in working with schools and have vast experience of data protection matters.

If you have any questions or comments, or wish to make any requests under the Regulations, you should contact the Trust DPO in the first instance. If Global Policing need to be consulted they can be contacted on:

- Telephone (answerphone) 0161 212 1681
- Email datarequests@globalpolicing.co.uk
- Website www.globalpolicing.co.uk/data

How to make an FOI request:

To make a Freedom of Information (FOI) request please contact Global Policing copied to the Trust DPO. This request can be by:

- Letter.
- Email

What to include:

You should give:

- your name (not needed if requesting environmental information)
- a contact address
- a detailed description of the information you want - e.g. you might want all information held on a subject, or just a summary

You can ask for information in a particular format, e.g.:

- paper or electronic copies of information

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- audio format
- large print

Our Trust has a duty under both the FoIA and Environmental Information Regulations (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.

4. 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 Trust for routinely published material will be justified and transparent and kept to a minimum.

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

In the case of information not obtainable through the website(s), we reserve the right to charge for actual disbursements incurred such as:

- photocopying – at 15p per sheet of A4 paper
- postage and packaging – at the actual cost to the Trust
- any other costs directly incurred because of the information request – at the actual cost to the Trust.

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. Payment may be requested prior to provision of the information.

Where we estimate that the cost of locating the information will exceed the statutory threshold of £450, we will consider whether to comply with the request. The Trust is not obliged to comply with such a request but may choose to do so.

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5. Publication

Section 19 of the FoIA obliges us to make information pro-actively available in the form of a “publication scheme”. There will be a Guide to Information that will list “classes” of information that will be made available both via our websites and upon request. The Guide for Information is in Appendix 2.

We plan to review this scheme regularly. Whenever any information is provided in response to a recorded FoIA enquiry, we will assess whether the information is suitable for wider publication. In general, there will be a presumption in favour of publishing such information on our website.

6. Exemptions

The Freedom of Information Act contains 23 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, we can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where we decide that the public interest is best served by withholding the information. 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.

We 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.

We will only apply an exemption where we have 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 we will consider 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

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under which the information is being withheld. The applicant will also be given details of the right to challenge the decision through the Trust's Governing Body and the right of appeal to the Information Commissioner's Office.

Where a staff member plans to apply an exemption, he/she will consider whether other schools hold similar information. If this is considered likely, he/she may contact the relevant 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'.

7. Releasing a Third Party's Information

Where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, the staff member that received the request will seek input from the FoI officer (Trust DPO) prior to the release of the information.

The release of third-party information 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 and, in particular, the "third party" provisions 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, we will then consider if it is reasonable to disclose the information, considering:

- any duty of confidentiality owed to the third party
- the steps taken to seek consent
- whether the third party can 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

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information. Where the third party has been acting in an official, rather than private capacity, the Trust will be minded disclosing 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 our 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. expenses 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 staff member will seek input from the FoI officer who will take advice from the Governing Body where necessary.

Where the third party is an organisation, rather than an individual, the provisions of DPA 1998 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 decide 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 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

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request confidentiality or supply reasons as to why the information should be treated confidentially.

8. Information Held Within Contracts with HISP Multi Academy 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 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 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 must 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, HISP Multi Academy 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 our 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.

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9. Contact us

Data Protection Officer
HISP Multi Academy Trust
Winchester Road
Chandlers Ford
Eastleigh
Hants
SO53 2DW
info@hispmat.org

10. Complaints

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 complaints is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.

Further information about the Act can be obtained from:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number <https://ico.org.uk/>

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Appendix 1 Model Publication Scheme



Model Publication Scheme

Freedom of Information Act

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- 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.
- To specify the information which is held by the authority 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.
- 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 review and update on a regular basis the information the authority makes available under this scheme.
- 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.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of

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Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

- The term 'dataset' is defined in section 11(5) of the Freedom of Information Act.
- The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of information

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 is 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 this scheme will be made available

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The authority 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 a public authority, information will be provided on a 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, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. 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 an authority 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 which may be made for information published under this scheme

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

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

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred because of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where

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they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

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Appendix 2 Guide to Information

Class 1. Who We Are and What We Do

Information to be published	How the information can be obtained
Academy funding agreement (Master funding agreement and supplemental funding agreements)	Department for Education website / Trust / school website, individual school prospectus.
Trust board of directors	Trust website
School Academy Committee ¹ – names and contact details of the governors and the basis of their appointment	Individual school website or hard copy
Trust board of directors	Trust website
School session times, terms dates and holidays	Individual school website
Trust staff and structure – names of key personnel, school staff and structure	Trust/school website
Gender Pay Gap	Available upon request
Location and contact information – address, telephone number and website	Trust/school website
Contact details for the Trust CEO and the Academy Committee	Individual school website
Individual school prospectus	Individual school website
Individual school curriculum	Individual school website, DfE website

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Class 2. Who We Are and What We Do

Information to be published	How the information can be obtained
Annual budget plan	Available upon request
Financial statements.	Trust website or hard copy, Companies House website, EFA website, published accounts online
Expenditures	Available upon request
Capital funding – details of capital funding allocated to the Trust and information on related building projects and other capital projects.	Published accounts companies house
Additional funding – income generation schemes and other sources of funding.	Published accounts companies house
Financial audit reports	Published accounts companies house
Procurement and contracts	Published accounts companies house
Staff allowances and expenses	Available upon request
Staff pay and grading structure.	Available upon request
Governors' allowances	Available upon request
Premiums or other forms of financial support available	Available upon request

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Trade Union facility time reporting	Available upon request
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Class 3. What Our Priorities Are and How We Are Doing

Information to be published	How the information can be obtained
Government supplied performance data	DfE website.
Latest Ofsted report	School and Ofsted website
Performance management information	Available upon request
Future plans	Available upon request
Exam and assessment results	DfE website and school websites
Performance tables	Trust / School websites
Data Protection Impact Assessments	Available upon request

Class 4. How We Make Decisions

Information to be published	How the information can be obtained
Admissions policy – arrangements and procedures and right of appeal	Individual school website
Governing body/ Trust meetings agendas, papers and minutes – information that is considered to be private will be excluded	Available upon request

Class 5. Our Policies and Procedures

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Information to be published	How the information can be obtained
Curriculum circulars and statutory instruments	School website / newsletters
Records management, personal data management, and access to information policies	School website
Equality, Diversity, and Inclusion	School website
Safeguarding and child protection	School website
Pay Policy (teachers' pay)	Available upon request
Health and Safety	Trust/ School website
Policies and Procedures for HR and the recruitment of staff	Available upon request
Careers programme information	Available upon request
Complaints procedures including for dealing with parental complaints.	Available upon request
Charging regimes and policies	Available upon request

Class 6. Lists and Registers

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Information to be published	How the information can be obtained
Curriculum circulars and statutory instruments	School website / newsletters or hard copy
CCTV	School website / Available upon request
Disclosure logs	Available upon request
Asset register	Available upon request
Any information the Trust is currently legally required to hold in publicly available registers	Available upon request

Class 7. The Services We Offer

Information to be published	How the information can be obtained
Extra-curricular activities	School website / prospectus / newsletters
Out of school clubs	School website / prospectus / newsletters
School publications	School website / prospectus / newsletters
Service for which the Trust is entitled to recover a fee, together with those fees	Available upon request
Leaflets, booklets and newsletters	School website / prospectus / newsletters

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