

Freedom of Information Policy

1. Introduction

The Freedom of Information Act 2000 came into place on the 1st January 2005 to give individuals rights of access to information held by public bodies, subject to the exemptions and restrictions of the Act. The Act applies to all central government bodies, local authorities, schools, the police, armed forces, NHS, the fire brigade service and private companies that provide a public function.

2. How the Act Affects the School

The School is committed to implementing the provisions of the Freedom of Information Act 2000. The School will respond to all FOI requests to ensure that the public understand:

- How the School is organised and managed;
- What services it provides;
- The standard of these services;
- The targets it sets and the results it achieves.

The School will, as part of the requirement of the Act, also provide a Publication Scheme to alleviate the need for requests.

The School does support the principle of transparency and openness. However, this will be offset by the need to maintain individuals rights to privacy and confidentiality. This policy does not override the School's legal obligations under Data Protection or the Common Law Duty of Confidentiality.

3. Purpose

The purpose of this Policy is to ensure that all School employees and Governors understand their responsibilities under the Act and the School's approach to openness under FOI. The Policy aim's to ensure that the School complies with the Act and the duties on making information accessible and maintaining accurate records.

4. Scope

For the purposes of the Act, this policy applies to all information created, received or maintained

- By staff and Governors during the course of School business, or
- By external parties and joint partnerships who are employed to work on behalf of the School.

However, information, which has always been given routinely as part of the Schools business, should still continue to be given freely without the need for it to be addressed under the scope of FOI.

The policy applies to all information formats regardless of their media type i.e. paper or electronic based for e.g. emails, spread sheets, photographs, CD's etc.

5. Objectives of this Policy

The objectives of this policy is to ensure that the School:

- Fulfils its legal obligations under the Freedom of Information Act 2000;
- Provides a general right of access to all public information held subject to the exemptions and restrictions of the Act;
- Responds to all requests within 20 working days;
- Responds to all applicants regardless of their age, nationality or location;
- Adopts and maintain an up to date publication scheme which illustrates what information is published, the format it is available in and the fee applicable, where appropriate. The new publication scheme will be in place from 31st December 2008;
- Provides an alternative route of access where information is not covered by the Publication Scheme;
- Ensures that all staff are familiar with the requirements of the Freedom of Information Act 2000.
- Provides appropriate advice and guidance to ensure that all applicants receive the information they need.

6. Responsibilities

The School will:

- Ensure there is a nominated lead officer for Freedom of Information;
- Ensure there are adequate procedures in place for handling FOI requests;
- Provide a general right of access, where appropriate;
- Respond promptly to all FOI requests;
- Reserve the right to refuse vexatious, ambiguous, disproportionate or repeated FOI requests (i.e. those repeated after less than 3 months);
- Reserves the right to refuse a request where disclosure is considered not to be in the public interest or where disclosure would be detrimental to the activities of the School or its external partners. All refusals will be clearly explained;
- Ensure records are maintained in accordance with the School's retention guidelines.

Governors & Senior Staff:

It is the responsibility of all governors and senior staff to ensure:

- They are aware of the existence and content of this policy;
- They understand their FOI legal obligations;
- Information is supplied to the Head teacher for inclusion into the Publication Scheme. This will reduce levels of FOI requests received by the school;
- Information created is stored appropriately to enable quick access for FOI requests.

All staff, whether or not they physically create, receive or maintain information themselves, has an obligation to be aware of Freedom of Information legislation. In particular staff must:

- Familiarise themselves with this policy;
- Ensure they keep complete, reliable, accurate and up to date records in order to respond to FOI requests;
- Ensure that all FOI requests for information are handled in accordance with this policy;
- Immediately redirect Freedom of Information Requests to the appropriate member of staff once received;
- Respond to all FOI requests within 20 working days;
- Ensure that records are maintained in accordance with the School's Destruction and Retention of Records Policy.

7. Definition of "Held"

For the purposes of the Act information is held by the School if the information:

- Is in its possession and has been produced or received by the School, or
- Is held by another person on behalf of the School.

8. Publication Scheme

In order to comply with the Act every public authority is required to adopt and maintain a publication scheme, which sets out:

- The classes of information it holds;
- The manner in which it intends to publish the information, and
- Whether the information is free of charge or if a fee is applicable

All documents listed in the school's publication scheme are final approved versions. Draft versions are not published. The Scheme will evolve over time so staff are encouraged to continue publishing up to date information of public interest. The purpose of the scheme is to ensure a significant amount of information is available, without the need for a member of the public to make a specific request.

9. Making a FOI Request

Applicants may submit a request for public information, which is not included in the Publication Scheme. All FOI requests must:

- Be in writing (email, letter and fax included);
- Be clear and legible;
- State the full name and contact address of the applicant;
- Clearly describe the information requested;
- There is no legal requirement for the applicant to state why the information is requested.

The School's responsibility is to:

- Provide advice and assistance, where required;
- Respond to requests within 20 working days;
- Advise the applicant if the information exists.

10. Rights of Applicants

All applicants have the right to:

- Be told whether information exists;
- Receive the information (subject to exemptions);
- Appeal non-disclosures and to request internal reviews;
- Appeal to the Information Commissioner if they are unhappy with the final outcome.

11. Fees

Unless otherwise specified, information made available through the Publication Scheme will be free of charge. The School will only charge fees in accordance with its Fees and Charging Policy.

Disbursements costs may also be made at the discretion of the School for:

- Photocopying or printing material;
- Postage;
- Producing material in an alternative format at the request of the applicant, for e.g. putting it onto CD-Rom, disk, video or audio cassette;
- Providing extracts of databases;
- Translating information into a different language at the request of the applicant.

If the cost of obtaining information (i.e. locating, retrieving and replying to the request) exceeds the cost threshold of the FOI Act (as set by the Fees Regulations, currently £450 or about 2.5 days of staff time), then a charge of £25 per hour will be charged for work in excess of 18 hours.

A fee notice will be issued to applicants where requests are estimated to exceed the fee limit. All fee notices must be paid within three months (60 working days) or the request will be cancelled. In extreme circumstances, the School maintains the right to refuse a request on the basis of disproportionate effort.

12. Format of Information

The School will take account of the applicant's preferred format of receiving information so far as this is reasonable. Requests will not be complied with however, if:

- The information is already publicly available and easily accessible by another means to the applicant for e.g. an external website;
- It is unreasonable to format the information into another format.

13. FOI Exemptions

There are 24 exemptions in the FOI Act, which can be used for refusal: 8 absolute exemptions and 16 qualified exemptions.

The School is exempt from confirming or denying it holds information if disclosure is likely to cause harm. This is known as an absolute exemption under the Act. However, the School must consider the public interest test when considering a qualified exemption.

The Secretary of State has powers to create new exemptions.

14. Public Interest Test

Before relying on a qualified exemption, the School will always apply the Public Interest Test. The school will consider whether the Public Interest Test in withholding information outweighs the Public Interest Test in disclosing the information.

15. Refusals

If an exemption is used for refusal the School will be obliged to send a Refusal Notice outlining the following information:

- That we hold the information;
- That we are claiming an exemption;
- Why the exemption applies;
- In the case of qualified exemptions, why the public interest in maintaining the exemption outweighs the public interest in disclosing it, and
- Details of the Schools review procedure and the ICO review procedure.

16. Complaints and Appeals

In the first instance, the School must investigate all appeals and complaints before being redirected to the Information Commissioner for further assistance.

17. Information Commissioner

Individuals who are not satisfied with the outcome of the appeal process may submit an appeal to the Information Commissioner at the following address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 01625 54 57 45

Fax: 01625 52 45 10

Email: mail@ico.gsi.gov.uk

Website: www.ico.gov.uk

18. Transfer of Requests

Where the School believes information to be held by another public authority it will either:

- Transfer the request to the appropriate body, or
- Supply the applicant with the name and address of the public body to be contacted.

19. Equality and Diversity

The Disability Discrimination Act 1995 places a requirement on the school to take reasonable steps to make its services more accessible to people with disabilities. In accordance with the Disability Discrimination Act 1995 the school will consider requests that are required in Braille or to be translated into another language.

20. Access to Personal Data

Requests for access to personal information is exempt under the Freedom of Information Act 2000. Instead all rights of access to personal information about the data subject falls under the scope of the Data Protection Act 1998. Individuals can submit a subject access request to determine what information the school holds on them, subject to the exemptions and restrictions of the Data Protection Act.

21. Access to Environmental Information

Rights of access to environmental information falls under the jurisdiction of the Environmental Information Regulations 2004 (EIR) rather than FOI. Examples of requests dealt with under EIR include chemicals used within schools, or on school land, phone masts, car parks and even air-conditioning systems.

22. Destruction of Material

The school will not destroy records that have been identified for destruction if a request is received for access to the information. Only once the request is complete and all appeal routes have been exhausted will the school securely dispose of the information.

23. Records Management

Good records management is the key to being able to comply with the Freedom of Information Act 2000. The school will ensure it has effective records management practices in place to respond to FOI requests in a timely, efficient and professional manner.

24. Policy and Review

This policy will be reviewed annually unless it is subjected to

- Changes in the legislation;
- Risks are highlighted in the policy.

25. Useful Websites

www.ico.gov.uk - Information Commissioners Office

www.dca.gov.uk - Department of Constitutional Affairs

www.jisc.ac.uk - JISC (Joint information Systems Community) which is funded by UK Higher Educational Institutions .

www.rms-gb.org.uk - British Records Management Society

Policy approved by Governors: June 2022

Date of next review by Governors: June 2023

Information to be published. This includes datasets where applicable – please see “how to complete the guide to Information	How the information can be obtained
Class 1- Who we are and what we do <i>(Organisational information, structures, locations and contacts)</i> <i>This will be current information only</i>	
Who’s who in the school	School Website Hard copy
Who’s who on the governing body / board of governors and the basis of their appointment	School Website Hard copy
Instrument of Government / Articles of Association	School Website Hard copy
Contact details for the Head teacher and for the governing body, via the school (named contacts where possible).	School Website Hard copy
School prospectus (if any)	School Website Hard copy
Annual Report (if any)	School Website Hard copy
Staffing structure	School Website Hard copy
School session times and term dates	School Website Hard copy
Address of school and contact details, including email address.	School Website Hard copy

Information to be published. This includes datasets where applicable – please see “how to complete the guide to Information	How the information can be obtained
Class 2- What we spend and how we spend it <i>(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</i> <i>Current and previous financial year as a minimum</i>	
Annual budget plan and financial statements	Hard copy
Capital Funding	Hard copy
Financial audit reports	Hard copy
Details of expenditure items over £2000 – published at least annually but at a more frequent quarterly or six-monthly interval where practical.	Hard copy
Procurement and contracts the school has entered into, or information relating to / a link to information held by an organisation which has done so on its behalf (for example, a local authority or diocese).	Hard copy
Pay policy	School Website 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 actual salary is at least £60,000 per annum) by reference to categories	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
Governors’ allowances that can be incurred or claimed, and a record of total payments made to individual governors.	Hard copy

Information to be published. This includes datasets where	How the information
--	----------------------------

applicable – please see “how to complete the guide to Information	can be obtained
<p>Class 3- What our priorities are and how we are doing</p> <p><i>(Strategies and plans, performance indicators, audits inspections and reviews)</i></p> <p><i>Current information as a minimum</i></p>	
<p>School profile (if any)</p> <p>And in all cases:</p> <p>Performance data supplied to the English or Welsh Government or to the Northern Ireland Executive, or a direct link to the data</p>	<p>Website Hard copy</p>
<p>The latest Ofsted / Estyn / Education and Training Inspectorate report - Summary - Full report</p> <p>Post-inspection action plan</p>	<p>Website Hard copy</p>
<p>Performance management policy and procedures adopted by the governing body.</p>	<p>Hard copy</p>
<p>Performance data or a direct link to it</p>	<p>Website Hard copy</p>
<p>The school’s future plans; for example, proposals for and any consultation on the future of the school, such as a change in status</p>	<p>Website Hard copy</p>
<p>Safeguarding and child protection</p>	<p>Website Hard copy</p>

Information to be published. This includes datasets where applicable – please see “how to complete the guide to Information	How the information can be obtained
<p>Class 4- How do we make decisions.</p> <p><i>(Decisions making processes and records of decisions)</i></p> <p><i>Current and previous 3 years as a minimum</i></p>	
<p>Admissions policy/decisions (not individual admission decisions) – where applicable</p>	<p>Website Hard copy</p>
<p>Agendas and minutes of meetings of the governing body and its committees. (NB this will exclude information that is properly regarded as private to the meetings).</p>	<p>Hard copy</p>

Information to be published. This includes datasets where applicable – please see “how to complete the guide to Information	How the information can be obtained
<p>Class 5- Our policies and procedures</p> <p><i>(current written protocols, policies and procedures for delivering our services and responsibilities)</i></p> <p><i>Current information only. As a minimum these must include policies, procedures and documents that the school is required to have by statute or by its funding agreement or equivalent, or by the Welsh or English government or the Northern Ireland Executive. These will include policies and procedures for handling information requests. In addition, for Wales, this will include a Welsh Language Scheme in accordance with the Welsh Language Act 1993. For Northern Ireland, this will include an equality scheme / statement in</i></p>	

<i>accordance with the Northern Ireland Act 1998.</i>	
Records management and personal data policies, including: Information security policies, Records retention, destruction and archive policies, Data protection (including information sharing policies)	Website Hard copy
Charging regimes and policies. This should include details of any statutory charging regimes. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made and how they are calculated. If the school charges a fee for re-licensing the use of datasets, it should state in its guide how this is calculated (please see “How to complete the Guide to information”).	Website Hard copy

Information to be published. This includes datasets where applicable – please see “how to complete the guide to Information	How the information can be obtained
Class 6- Lists and Registers <i>Currently maintained lists and registers only (this does not include the attendance register)</i>	
Curriculum circulars and statutory instruments	Hard copy
Disclosure logs	Hard copy
Asset register	Hard copy
Any information the school is currently legally required to hold in publicly available registers	Hard copy

Information to be published. This includes datasets where applicable – please see “how to complete the guide to Information	How the information can be obtained
Class 7- The Services we offer <i>(Information about services we offer, including leaflets, guidance and newsletters produced for the public and businesses)</i> <i>Current information only</i>	
Extra-curricular activities	Website Hard copy
Out of school clubs	Website Hard copy
Services for which the school is entitled to recover a fee, together with those fees	Website Hard copy
School publications, leaflets, books and newsletters	Website Hard copy

Additional Information	
<i>This will provide the school with the opportunity to publish information that is not itemised in the lists above</i>	

Schedule of Charges	
<i>This describes how the charges (costs in this document) have been</i>	

<i>arrived at and should be published as part of this guide.</i>	
Costs to the school	<p>Example; Copying/printing 5p per page, where applicable</p> <p>Example; Postage 1st class stamp/ weight, where applicable</p>