

St. Mary's Church of England Primary School, High Crompton



Freedom of Information Policy and Publication Scheme

Written on and approved by staff : May 2018

Approved by Governors on: 7.6.18

Signed: Andrew Green (Vice Chair of Governors)

Review: May 2020

**This is St. Mary's CE Primary School Publication Scheme
on information available under the Freedom of Information Act 2000**

The governing body is responsible for maintenance of this scheme.

1.0 Introduction

- 1.1 The Freedom of Information Act 2000 (FOIA) came fully into force on the 1st January 2005. The FOIA gives a right of public access to information held by public authorities. It is a legal right for any person (s) to ask for access to information held by the school.
- 1.2 Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.
- 1.3 The FOIA is overseen by the Information Commissioner who also has responsibility for the Data Protection Act 2018 (DPA), and The Environmental Information Regulations 2004 (EIRs). The DPA enables individuals to access information about themselves. The EIRs enable people to access environmental information. The FOIA enables people to access all other information and reasoning behind decisions and policies, which do not fall under DPA or EIR.
- 1.4 The FOIA seeks to promote a culture of openness and accountability amongst public sector bodies, and therefore improve public understanding of how public bodies (which includes the governing bodies of schools) carry out their duties, why they make the decisions they do, and how they spend public money.
- 1.5 The Governing Body welcomes this culture of openness and accountability and is committed to providing freedom of information. This policy sets out the school's response to the FOIA, and the ways in which the requirements of the Act will be enacted by the school on a day to day basis.

2.0 Information Held by the School

- 2.1 In general, information held by the school is already accessible, but within a framework which respects the confidentiality of some of that information, in particular with regard to individual children, school staff and governors or regarding any court orders (such information being subject to the Data Protection Act 2018).
- 2.2 Other information is published and available on the school website.

3.0 Requests for Information

- 3.1 Any request for information beyond that which is already provided by the school (for example, through the Prospectus or information about children to which parents already have access) should be made in writing (this includes email) to the Headteacher.

- 3.2 Section 8 of the FOIA states any request should state the applicants name and address for correspondence and describe details of the information being requested. If a request is very general, the school may contact the enquirer for clarification of the request.
- 3.3 The person making the request for information can also indicate how they would like to receive the information and where possible the school will comply with those wishes. If it is not possible to do so, the school will notify the enquirer and offer an alternative.
- 3.4 Any member of staff may be approached for information beyond which may be regarded as 'normal information'. In this context, 'normal' means the kind of information that teachers and other members of school staff feel confident about giving, as opposed to requests for information which may seem of an intrusive or sensitive nature. If a member of staff receives such a request, they should avoid giving an immediate response and refer the request to the Headteacher. Depending upon the nature of the request, the Headteacher may then either sanction a response or refer the request to the relevant person (s) or Governing Body.
- 3.5 The Headteacher will seek advice from Oldham LA, the Information Commissioner, or other bodies as appropriate.

4.0 Responding to Requests for Information

- 4.1 Any requests are to be passed to the Headteacher who will then request the relevant information from the relevant person (s) or the Governing Body.
- 4.2 The Headteacher will consider any request received and keep records of their deliberations and outcomes. The potential outcomes are:
 - agreement to meet the request in full.
 - agreement to meet the request in part (with reasons).
 - refusal to meet the request (with reasons).
- 4.3 The Headteacher or relevant person will respond to the enquirer within 20 school days (i.e. excluding weekends and school holidays) of the request being made. The 20 day time limit starts the day after we have received the request. If a fee notice is issued (see section 8) the information will not be provided until the fee is received.
- 4.4 The response to the request in some circumstances may take longer than 20 days. If a request is delayed for any reason (if further information is required/in order to identify and locate the information requested), the Headteacher will keep the enquirer informed of the progress and where possible provide an expected date for a response.

5.0 Exemptions

Under Section 36 of the FOIA 2000, certain information is exempt from disclosure. The school will **not** comply with the request if any of the following apply:

- 5.1 If the school reasonably requires more information in order to meet the request, has told the applicant of this request, but received no reply with the extra information.
- 5.2 the information is not held or has become inaccessible, such as it being in archived storage, or in a format that can no longer be accessed, or a similar reason.
- 5.3 the cost of providing the information exceeds the appropriate limit.
- 5.4 the request is vexatious.
- 5.5 the request is a repeated request from the same person made within 60 working school days of the initial request.
- 5.6 a fee notice has not been honoured.
- 5.7 the Act states that requests should not be allowed to cause a drain on the schools time, energy and finances to the extent that they negatively affect our normal public functions (in excess of 3.5 days). The Chair of the Governing Body can reserve the right to refuse a request if it is likely to be in excess of 3.5 days to find, sort and edit the information requested. Under these circumstances the Chair will provide an opportunity for the request to be refined.
- 5.8 the following information is exempt under section 2 of the Freedom of Information Act 2000 <http://www.legislation.gov.uk/ukpga/2000/36/part/II>

Absolute exemptions

- the information is accessible by other means ie it already exists as part of a published policy or is provided by another body
- personal information (this is covered by the Data Protection Act)
- environmental information (this is covered by the Environmental Information Regulations 1992)
- information provided in confidence
- information prohibited from disclosure (this is where the disclosure of information would be in breach of a court order or it would constitute a contempt of court)
- information which deals with security matters

Principal Qualified exemptions (the school will apply a public interest test in order to determine whether to confirm or deny that the information exists, or whether the information should be disclosed)

- information intended for future publication (ie it will be published at a particular point or is published annually)
- investigations and proceedings conducted by public authorities (information is exempt if it has at any time been held by the school for the purposes of criminal investigations or proceedings, such as determining whether a charged person is guilty, or investigations which may lead to a

decision to institute criminal proceedings. The duty to confirm or deny does not apply to such information)

- law enforcement: information may be exempt if it is likely to prejudice:
 - the prevention and detection of crimes
 - the prosecution of offenders
 - the exercise of decisions relating to regulatory action
 - any civil proceedings brought by, or on behalf of the school
- communications with the Queen
- health and safety (where disclosure of information would or would be likely to affect the physical or mental well-being of any individual)
- legal professional privilege (any advice given by legal advisers, solicitors and barristers)
- commercial interests (information is exempt if it constitutes a trade secret or would be likely to prejudice the commercial interests of any person or body (including the school))
- threshold fee – where the estimated cost of complying with the request, including the cost of staff time to compile the information exceeds the threshold set (over £450)

The school will notify the applicant if they believe the information to be exempt, clearly stating the reason why the information is exempt

6.0 Complaints and Appeals

- 6.1 In the first instance, any complaint will be handled through the school's complaints policy and procedures. The complaint should be made in writing, addressed to the Headteacher.
- 6.2 If the complaint cannot be resolved by the Headteacher, it can be referred to the governor with responsibility for Freedom of Information. The governor with this responsibility is the Chair of Governors. The next stage of the School's Complaint policy will then be followed.
- 6.3 If the enquirer is still not satisfied with the outcome they can commence the complaints process to the ICO. The complaint should be submitted within 6 months of the outcome of the internal review. The enquirer must provide supporting information and evidence along with the completed complaints form. This can be done via email to casework@ico.gsi.gov.uk or by post to:

First Contact Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

7.0 Use of Information Provided

- 7.1 The Freedom of Information Act allows access to information, but it does not give the enquirer permission to re-use that information for commercial gain. Therefore, the enquirer may reproduce the School's copyright protected information free of charge, without specific permission, provided it is not being reproduced for profit, material or financial gain.
- 7.2 The material must be reproduced accurately and must not be used in a misleading context. If the enquirer is publishing the material or issuing it to others, they must acknowledge the source of the information, its copyright status and the date of publication, if known.
- 7.3 This permission to reproduce the school's copyright protected material does not extend to any material that is identified as being the copyright of a third party. Under those circumstances, the enquirer must seek authorisation to reproduce the material from the copyright holder concerned.

8. Charges

- 8.1 The maximum cost limit cannot exceed £450.00 and will only be charged if the work involved exceeds the 18 hour threshold. Any work involved over 18 hours will be charged at £25.00 per hour per person involved in locating, collating and retrieving information requested.
- 8.2 All requests for information will be subject to charges where appropriate to cover the costs of photocopying and postage.
- 8.3 If a fee is not received within 3 months of issuing a fees notice we are no longer obliged to respond to the request.

9.0 Record Keeping

- 9.1 Records will be entered into a "Freedom of Information Requests Log" kept within the school (in the Headteacher's Office). Such records will remain on file for a period of six years and will be disposed of at a set time in a calendar year.
- 9.2 The log will include details of:
 - The party making the request for information.
 - The date upon which the request was received (date stamp) and to whom it was addressed.
 - If relevant, the date upon which the request was subsequently referred (internal/external).
 - The nature of the information requested.
 - The outcome of the Headteacher deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request.

- The response made by the Headteacher to the party requesting the information, including the person nominated to implement the response (Headteacher or Governor), the date and format of the response and the details of the information provided.
- Any subsequent appeal made by the enquirer.
- The date and time of the meeting convened by the appeals committee.
- The outcome of the appeals committee's deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request.
- The response made by the appeals committee to the party making the appeal, including the person nominated to implement the response (Headteacher or Governor), the date and format of the response and the details of the information provided.

10.0 Checklist for action on receipt of a request for information

- Decide whether the request is a request under DPA (Data Protection Act 2018), EIR (The environmental information regulations 2004) or FOIA (The freedom of information act 2000).
- Decide whether the school holds the information or whether it should be transferred to another body.
- Provide the information if it has already been made public.
- Inform the enquirer if the information is not held.
- Consider whether a third party's interests might be affected by disclosure and if so consult them.
- Consider whether any exemptions apply and whether they are absolute or qualified.
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information.
- If a request is made for a document that contains exempt personal information ensure that the personal information is removed as set out in the guidance for schools.
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit.
- Consider whether the request is vexatious or repeated.

11.0 Publication Scheme

The school will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the school website and/or by other means. It will also state if the information is free of charge or on payment.

The publication scheme in this school is reviewed annually; or as needed by legislation; or other major changes.

Please see Appendix A for Freedom of Information Scheme

Appendix A: Publication Scheme

Information to be published	How the information can be obtained <i>(Hard copy only unless stated provided on the website)</i>	Cost
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only		
Who's who in the school	Website (School Prospectus)	None
Who's who on the governing body and the basis of their appointment	Website and School Prospectus	None
Instrument of Government	Hard Copy	P & P
Contact details for the Head teacher and for the governing body (named contacts where possible with telephone number and email address (if used))	Website and School Prospectus	None
School prospectus	Website	None
Staffing structure	School Prospectus – website	None
School session times and term dates	Website/Prospectus/Newsletters	None

Class 2 - 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 budget plan and financial statements	Hard Copy	P & P
Capitalised funding	Hard Copy	P & P
Additional funding	Hard Copy	P & P
Procurement and projects	Hard Copy	P & P
Pay policy	Hard Copy	P & P

Staffing and grading structure	Hard Copy	P & P
Governors' allowances	N/A	

Class 3 What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current information as a minimum		
Government supplied performance data The latest Ofsted report	Website	None
Performance management policy and procedures adopted by the governing body.	Hard Copy	P & P
Schools future plans	Hard Copy	P & P
Child Protection/Safeguarding - policies and procedures	Website	None
Pupil Premium Spending Sports Premium Spending	Website	None

Class 4 - How we make decisions (Decision making processes and records of decisions) Current and previous three years as a minimum	(hard copy only unless stated provided on the Schools website)	
Admissions policy/decisions (not individual admission decisions)	Website	None
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as confidential to the meetings	Hard Copy	P & P

Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only		
School policies including: <ul style="list-style-type: none"> • Charging and remissions policy • Health and Safety 	A number of policies are on school website, otherwise by request	P&P

<ul style="list-style-type: none"> • Complaints procedure • Staff conduct policy • Discipline and grievance policies • Staffing structure implementation plan • Information request handling policy • Equality and diversity (including equal opportunities) policies • Staff recruitment policies 		
<p>Pupil and curriculum policies, including:</p> <ul style="list-style-type: none"> • Home-school agreement • Curriculum • Sex education • Special educational needs • Accessibility • Single Equality Plan • Collective worship • Behaviour Policy • Educational Visits 	A number of policies are on school website, otherwise by request	P & P
<p>Records management and personal data policies, including:</p> <ul style="list-style-type: none"> • Information security policies • Records retention destruction and archive policies • Data protection (including information sharing policies) 	A number of policies are on school website, otherwise by request	P & P
<p>Charging regimes and policies. This includes details of any statutory charging regimes. Charging policies include charges made for information routinely published. They clearly state what costs are to be recovered, the basis on which they are made and how they are calculated.</p>	Website	None

<p>Class 6 – Lists and Registers (incl curriculum circulars, stationary instruments. Asset register etc) Currently maintained lists and registers only</p>	Hard Copy	P & P
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<p>Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and</p>	(hard copy only unless stated provided on the Schools website)	
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businesses) Current information only		
Extra-curricular activities	Website	None
Out of school clubs	Website	None
School publications	N/A	
Leaflets books and newsletters	Website	None

Additional Information This will provide schools with the opportunity to publish information that is not itemised in the lists above	(hard copy only unless stated provided on the Schools website)	
ICT Acceptable Use - Policy re the use of ICT within school for staff and students	Hard Copy	P & P
Menus - Menus of food provided in the school	Website	None
Newsletters - Termly Newsletter about school activities and news	Website	None
Intimate Care Policy	Website	None

Our website is at www.stmaryscecrompton.oldham.sch.uk