



FREEDOM OF INFORMATION Policy

Next to be reviewed: May 2018 in light of the new

General Data Protection Regulation

Introduction

The Freedom of Information Act came into force fully on January 1 2005. This Act gives any person the right to ask a school for access to information which it holds. The aim of the FOIA is to promote a culture of openness and accountability amongst public sector bodies.

The Act enables people to access information which does not fall either under the Data Protection Act of the Environmental Information Regulations 2004. (The Data Protection Act enables individuals to access information about themselves and the Environmental Information Regulations enables people to access information about the environment)

Section 1: Information Held

1.1 The following tables set out the information and records which are produced and kept by the school. Much of this information is available to parents and falls into four broad categories:

- School Prospectus
- Governors' Documents
- School Records and Policies
- Other Information

1.2 **School Prospectus** – this section sets out information published in the school prospectus.

Class	Description
School Prospectus	<p>The statutory contents of the school prospectus are as follows, (other items may be included in the prospectus at the school's discretion):</p> <ul style="list-style-type: none"> • the name, address and telephone number of the school, and the type of school • the names of the head teacher and chair of governors • information on the school policy on admissions • a statement of the school's ethos and values • details of any affiliations with a particular religion or religious denomination, the religious education provided, parents' right to withdraw their child from religious education and collective worship and the alternative provision for those pupils • information about the school's policy on providing for pupils with special educational needs • number of pupils on roll and rates of pupils' authorised and unauthorised absences • Assessment results for appropriate Key Stage 4 with national summary figures

1.3 Governors' Documents

Class	Description
School Improvement Plan	This outlines the school's priorities and the time-scale for completion of tasks, together with success criteria
Instrument of Government	<ul style="list-style-type: none"> • The name of the school • The category of the school • The name of the governing body • The manner in which the governing body is constituted • The term of office of each category of governor if less than 4 years • The name of anybody entitled to appoint any category of governor • Details of any trust • The date the instrument takes effect
Minutes of meeting of governing body and its committees	<p>Agreed minutes of meetings of the governing body and its committees <i>[current and last full academic school year]</i></p> <p><i>(Personal information is exempt under the Data Protection Act)</i></p>

1.4 School Records and Policies - This section gives information about policies that relate to students, the school curriculum, and also individual pupil records

Class	Description
Home – school agreement	Statement of the school's expectations, the school's responsibilities, the parental responsibilities and student responsibilities
Curriculum Information	These are written for each year group (an options booklet existing for Years 10/11) outlining what is to be taught and how it is to be assessed
Sex and relationships	Statement of policy with regard to sex and relationship education
Special Education Needs Policy	Information about the school's policy on providing for students with special educational needs
Equality and Diversity Policy (incorporating how the school deals with prejudice-related discrimination)	Statement of measures the school has taken and intends to take to ensure equal access and opportunities for all and to ensure that discrimination – including prejudice-related discrimination - does not occur

Safeguarding (Child Protection Policy)	Statement of policy for Safeguarding and promoting the welfare of students at the school.
Use of Force and Restraint	Outlines the rights and responsibilities of staff relating to physical intervention
Behaviour Policy (BfL)	Statement of general principles on behaviour and discipline and the expectations of the school
Substance Misuse Policy	Documents the school's approach to dealing with any drug-related issue
Anti-Bullying Policy	Definitions of bullying, support and prevention strategies
Trips & visits Policy	Policy to describe procedures for arranging extra-curricular activities
Learning and Teaching Policy	Statement of policy with regard to Learning and Teaching strategies.
Health and Safety Policy (including risk assessments)	Outlines rights, responsibilities and procedures connected with Health and Safety
ICT/Mobile Phones Agreement	Details the school's expectations relating to the safe use of ICT, the school network and mobile phones
Homework Policy	Policy describing the school's expectations and commitment to Years 7 - 11
Assessment and Marking Policy	This policy outlines the school's approach to marking students' work and reporting on progress made
Attendance Policy	Outlines statutory responsibilities and the school's response
Pupil Records	Individual pupil records containing results of National tests, summative reports, correspondence with parents/guardians

1.5 Other information related to the school - This section contains information relating to staff and the school in general

Class	Description
Published reports of Ofsted referring expressly to the school	Published report of the last inspection of the school and the summary of the report and where appropriate inspection reports of religious education in those schools designated as having a religious character
Information for Parents	Annual publication giving general information such as dates and contacts

Performance Management Policy	Statement of procedures adopted by the governing body relating to the performance management of staff
Governors' Visiting Policy	Outlines the agreed protocols for Governors visiting the school and how this links with the statutory requirements to monitor and evaluate
Continuing Professional Development	Outlines policy and main CPD opportunities
Induction of NQTs and new staff	Documents the support and induction programme for staff who are new to the school
Leave of Absence Policy	This outlines statutory entitlements and the governors' agreed approach to leave of absence for staff (teaching and non-teaching)
Freedom of Information Policy	Detailing the information held and the school's responsibilities to requests for information

Section 2: The School's Responsibility

- 2.1 Schools are under a duty to provide advice and assistance to anyone requesting information and the enquirer is entitled to be told whether or not the school holds the information (except where certain exemptions apply)
- 2.2 Once the request for information is in writing, the school has 20 school days in which to reply
- 2.3 Where the information requested contains personal details of a third party, these must be removed in line with the Data Protection Act before a reply is sent

Section 3: Requests for Information

- 3.1 Requests for information must be made in writing enclosing a name and correspondence address. A request for information can be made by letter or e-mail, but must give a clear indication of the information which is being sought
- 3.2 The request for information can be made to any member of the school staff (teaching or non-teaching) and should be forwarded to the Headteacher's Personal Assistant as soon as possible
- 3.3 If the information requested is already held by another body, the school is within its rights to refuse the request, but will direct the enquirer to the appropriate source

Section 4: Responding to Requests

4.1 The school's response will be as follows:

- An acknowledgement letter /e-mail will be sent confirming whether or not the information requested is held by the school and can be disclosed (see exemptions)
- The acknowledgement letter will indicate the fee to be charged (postage, photocopying and staff-time)
- The twenty-day response time will operate from the point at which payment is received by the school
- The information requested will be provided in the form requested where this is "reasonably practical"

4.2 Copies of the template letters are given in Appendix A

Section 5: Exemptions

5.1 There are four reasons for not responding to a request for information:

- the information is not held
- the cost threshold is reached (£450)
- the request is vexatious or repeated
- one or more exemptions apply

5.2 For the purposes of Freedom of Information, exemptions are as follows:

Absolute exemptions

- **the information is accessible by other means i.e. 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** (i.e. 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 exceeds the threshold set (£450.00)

Section 6: Key Personnel

- 6.1 Any member of the school staff can accept a request for information as long as it fulfils the criteria set out in Section 3
- 6.2 The Governing Body is responsible for ensuring that a policy is in place and that its effectiveness is monitored; this includes providing a comprehensive Publication Scheme and Retention Policy
- 6.3 The Headteacher's Personal Assistant is responsible for recording the requests for information, the action taken and the responses made

- 6.4 The Headteacher has day to day responsibility for deciding whether a request is in line with the Freedom of Information Act and will delegate the collation of information appropriately
- 6.5 The governor with responsibility for the Freedom of Information Act will deal with any complaints which arise from the implementation of the policy

Section 7: Complaints

- 7.1 Any complaint will be handled initially through the school's own internal procedures. In the first instance, the complaint should be made in writing to the Headteacher
- 7.2 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. Correspondence should be sent to the school
- 7.3 Following this, if the complaint remains unresolved, there is a right of appeal to an Information Commissioner and subsequently to an Information Tribunal

If you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

or

Helpline: 0303 123 1113

Website: www.ico.org.uk

Appendix A – Templates for Letters

Letter 1

Dear -----

Re: Freedom of Information Act

Following your recent request for information, I am pleased to confirm the details below:

- Information Requested:
- Name and address supplied:
- Fee payable:

Upon receipt of the fee, the information will be dispatched within 20 school days.

If you have any questions or queries regarding these details, please do not hesitate to contact the school.

Yours sincerely

Letter 2

Dear -----

Re: Freedom of Information Act

Thank you for your recent enquiry. We are, however, unable to respond to your request for the following reason(s):

(Reference made to Section 5)

If you have any questions or queries regarding these details, please do not hesitate to contact the school.

Yours sincerely

Appendix B – Applying the Public Interest Test

Background

1. Having established that a qualified exemption(s) definitely applies to a particular case, you must then carry out a public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. Therefore, unless it is in the public interest to withhold the information, it has to be released. Although precedent and a developed case law will play a part, individual circumstances will vary and each case will need to be considered on its own merits.

Carrying out the test

2. It is worth noting that what is in the public interest is not necessarily the same as that which may be of interest to the public. It may be irrelevant that a matter may be the subject of public curiosity. In most cases it will be relatively straightforward to decide where the balance of the public interest in disclosure lies. However, there will inevitably be cases where the decision is a difficult one. Applying such a test depends to a high degree on objective judgement and a basic knowledge of the subject matter and its wider impact in the school and possibly wider. Factors that might be taken into account when weighing the public interest include:-

For Disclosure	Against Disclosure
Is disclosure likely to increase access to information held by the school?	Is disclosure likely to distort public reporting or be misleading because it is incomplete?
Is disclosure likely to give the reasons for a decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?	Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues still on the internal agenda or evolving?
Is disclosure likely to improve the accountability and transparency of the school in the use of public funds and help to show that it obtains value for money?	Is disclosure likely to cause unnecessary public alarm or confusion?
Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed policy?	Is disclosure likely to seriously jeopardise the school's legal or contractual position?
Is disclosure likely to increase public participation in decision-making?	Is disclosure likely to infringe other legislation e.g. Data Protection Act?
Is disclosure likely to increase public participation in political processes in general?	Is disclosure likely to create a controversial precedent on the release of information or impair your ability to obtain information in the future?
Is disclosure likely to bring to light information affecting public safety?	Is disclosure likely to adversely affect the school's proper functioning and discourage openness in expressing opinions?

Is disclosure likely to reduce further enquiries on the topic?	If a large amount of information on the topic has already been made available, would further disclosure shed any more light or serve any useful purpose?
--	--

3. Note also that:

- potential or actual embarrassment to, or loss of confidence in, the school, staff or governors is NOT a valid factor
- the fact that the information is technical, complex to understand and may be misunderstood may not of itself be a reason to withhold information
- the potential harm of releasing information will reduce over time and should be considered at the time the request is made rather than by reference to when the relevant decision was originally taken
- the balance of the public interest in disclosure cannot always be decided on the basis of whether the disclosure of particular information would cause harm, but on certain higher order considerations such as the need to preserve confidentiality of internal discussions
- a decision not to release information may be perverse i.e. would a decision to withhold information because it is not in the public interest to release it, itself result in harm to public safety, the environment or a third party?

4. You will need to record the answers to these questions and the reasons for those answers. Deciding on the public interest is not simply a matter of adding up the number of relevant factors on each side. You need to decide how important each factor is in the circumstances and go on to make an overall assessment.

For Disclosure

5. Where the balance of the public interest lies in disclosure, the enquiry should be dealt with and the information required should be made available.

Where the factors are equally-balanced, the decision should usually favour disclosure (but see 3rd bullet point above).

Against Disclosure

6. After carrying out the public interest test if it is decided that the exemption should still apply, proceed to reply to the request.

There will be occasions when it has been decided that a qualified exemption applies but consideration of the public interest test may take longer. In such a case, you must contact the enquirer within 20 working days stating that a particular exemption applies, but including an estimate of the date by which a decision on the public interest test will be made. This should be within a “reasonable” time – in practice, it is recommended this decision is made and communicated within the 20 days but where not possible it is suggested that no more than 10 working days beyond the 20 days should be allowed.