



St Weonards Primary School Freedom of Information Policy

Review date: Autumn 2015

Next review: Autumn 2018

Introduction

The Freedom of Information Act 2000 (FOIA) came fully into force 1 January 2005. There is now a legal right for any person to ask a school for access to information held by that school.

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.

The FOIA is overseen by the Information Commissioner who also has responsibility for the Data Protection Act 1998 (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. Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.

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.

Information Held by the School

In general, the 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).

Requests for Information

Any request for information beyond that which is already provided by the school (for example, through the school website, or information about children to which parents already have access) should be made in writing to the Governing Body. The request should state the name, contact address and, if possible, a contact phone number for the enquirer, and should give precise details of the information being requested. If a request is very general, the school may contact the enquirer for clarification of the request.

The person making the request for information can also indicate how they would like to receive the information and where possible the school will try to comply with those wishes. If it is not possible to do so, the school will notify the enquirer and offer an alternative.

Any member of staff may be approached for information beyond that 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 in the first instance to the Senior Management Team (SMT). Depending upon the nature of the request, the SMT may then either sanction a response or refer the request to the Governing Body.

Under the FOIA the enquirer is entitled to be told whether the school holds the information (the duty to confirm or deny) except where certain exemptions apply.

The SMT is responsible for ensuring that all members of staff are familiar with this policy and with the procedures to be adopted in responding to requests for information under the FOIA.

Responding to Requests for Information

A Committee of the Governing Body, led by a named governor, will manage access to information and will give due consideration to any request received. The named governor will be the Headteacher, who will convene the Committee to include three members of the Governing Body at such times as are necessary.

The Committee will meet to consider any requests 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)

The Committee will meet in a timely manner such that it can respond to the enquirer generally within 20 school days (i.e. excluding weekends and school holidays) of the request being made.

The response to the request may take longer than 20 days if the Committee needs to clarify the request or consider whether exemptions may apply to the information requested. If a request is delayed for any reason, the Committee will keep the enquirer informed of progress and as far as possible provide an expected date for a response.

Under Section 36 of the FOIA 2000, certain information is exempt from disclosure where it is deemed that disclosure is likely to:

- prejudice collective Cabinet responsibility
- inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation
- prejudice the effective conduct of public affairs

The application of Section 36 needs to be approved by a qualified person, which in this case is the Chair of the Governing Body. [Note: further guidance on this exemption and others is contained on the Ministry of Justice website].

The Freedom of Information Act does not place a limit on the number of requests that can be made by any party. However, under Section 12 of the Act, the Committee of the Governing Body can reserve the right to refuse a request if it is likely to take longer than three working days to find, sort and edit the information requested. Under these circumstances the Committee will provide an opportunity for the request to be refined. Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.

Any expressions of dissatisfaction with the information provided or the decision to refuse the supply of information by the Appeals Committee should be addressed through the school's existing Complaints Procedure.

Vexatious Requests

If the Committee receives several requests from the same person, or a series of requests that the Committee thinks are intended to disrupt its work, these may be treated as repeated or vexatious. In this case the Committee may refuse to provide the information requested but would write to the enquirer to explain how such decision was reached.

Appeals

Upon notification of a refusal to meet the request (either in part or in whole), the party making the request for information may appeal the decision. Any such appeal will be considered by a further committee of three Governors convened by the Chair of Governors who have not taken part in the original committee proceedings.

The Appeals Committee will meet in a timely manner such that it can respond to the enquirer generally within 20 school days of the request being made.

Use of Information Provided

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.

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.

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.

Record Keeping

Records will be entered into a "Freedom of Information Requests Log" kept within the school (in the school office). Such records will generally remain on file indefinitely, but for a period of at least ten years.

The log will include details of:

- The party making the request for information;
- The date upon which the request was received and to whom it was addressed;
- If relevant, the date upon which the request was subsequently referred (by the Headteacher) to the Governing Body;
- The nature of the information requested;
- The composition of the Governing Body committee convened to consider the request;
- The date and time of the meeting(s) convened by this committee;
- The outcome of the committee's deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made by the committee 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 composition of the Governing Body appeals committee convened to consider the request;
- The date and time of the meeting convened by this 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 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.

The appeals committee shall consider each appeal without reference to the records of the original committee meeting at which the request for information was refused.

Copies of all correspondence produced in the processes above, and duly referred to in the Freedom of Information Requests Log, should also be retained on file for a minimum of ten years, and be suitably cross-referenced to the log entries.

Charges

Requests for information which take relatively little time to transact (generally under 10 minutes) will not be charged in relation to the time taken.

Charges will be applied however for complying with requests where the information takes longer (generally above 10minutes) to access, source or compile, at the rate of £10 per hour /£5 per half-hour or part thereof.

All requests for information will be subject to charges where appropriate to cover the costs of photocopying and postage.

Policy Review

This policy will be reviewed regularly by the full Governing Body.

APPENDIX 1

Checklist for action on receipt of a request for information

- Decide whether the request is a request under DPA, EIR or FOI
- 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