



Freedom of Information Act Policy

1. Introduction

1.1 St. Mary's C.E. primary school, Dilwyn is obliged to adhere to the provisions of the Freedom of Information Act 2000 (FoIA) which ensures the free availability of information to members of the public, from publicly funded organisations.

2. Responsibility for the Policy

2.1 Overall responsibility for ensuring that the School meets the statutory requirements of the FoIA lies with the Governors.

2.2 It is the responsibility of the Governing Body to ensure that the School's publication scheme is registered and approved by the Information Commissioner's Office.

2.3 The Governing Body has delegated the day to day responsibility of implementation to the Principal.

3. Scope of the Policy

3.1 The underlying principal of this policy is that members of the public have a right of access to recorded information held by the School and that the School should seek to promote an open regime regarding access to information, subject to exemptions contained within relevant legislation.

3.2 The policy applies to all recorded information held by the School that relates to the business of the School. This includes:

- Information created and held by the School

- Information created by the School and held by a third party organisation on the School's behalf
- Information held by the School provided by third parties, where this relates to a function or business of the school (such as contractual information)
- Information held by the School relating to Governors where the information relates to the function or business of the School

3.3 The policy does not cover personal written communications (such as personal e-mails sent by staff). The School's Data Protection Policy establishes the standards regarding the use of "personal data", as defined in the Data Protection Act.

4. Operation of the Policy

4.1 Section 19 of the FOIA requires every public authority, including state funded Free Schools, to adopt and maintain a publication scheme which has been approved by the Information Commissioner, and to publish information in accordance with the scheme. The St. Mary's publication scheme is contained in Appendix 1 to this policy.

4.2 In addition, parents have a statutory right of access to their children's own "personal data" under the Data Protection Act (1998). Individual access rights to personal data are extended by the FoIA through amendments to the access provisions of the DPA.

4.3 The School is also obliged to observe the terms of the Environmental Information Regulations 2004 (EIR) which give rights of public access to environmental information held by publicly funded bodies. Examples of subject areas covered by EIR include waste disposal, energy use, noise levels, environmental factors affecting human and animal health and safety, land use and air quality.

4.4 For the purposes of this policy, the "public" is defined as any individual or organisation anywhere in the world and an "information request" refers to any request for recorded information made under the FoIA, EIR or DPA.

4.5 The Government's Information Commissioner enforces the DPA, FoIA and EIR regimes. Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who has

the power to overturn the decision. A list of information exempt from the FoIA is contained in Appendix 2.

5. Requesting Information

5.1 Requests for information under the FoIA should be made in writing to the School.

5.2 The School will respond to the request within 20 working days, excluding school holidays.

5.3 A fee for complying with the request, as calculated in accordance with FoIA regulations may be made. If a charge is made, the applicant requesting information will be informed in writing before the information is supplied. The School will only charge for the cost of copying and transmitting information.

5.4 Where the School estimates that the cost of locating the information will exceed the statutory threshold, it is not obliged to comply with the request.

5.5 Provision of information that can be considered to form the substance of a vexatious request will be denied. A vexatious request includes:

- Requests couched in abusive or aggressive language
- Requests that form part of a personal grudge against an individual
- Requests that can be construed as unreasonable persistence over an issue
- Requests that contain unfounded accusations
- Frequent or overlapping requests
- Requests that take an unreasonably entrenched position
- Requests that are a deliberate attempt to cause annoyance or disruption
- "Scattergun" requests that lack a clear focus
- Requests relating to an issue that has already been resolved

6. Withholding Information

6.1 The FoIA contains 23 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. Some of these exemptions apply to Schools.

6.2 The School will automatically withhold information covered by an absolute exemption. This includes:

- Information accessible to the applicant by other means; e.g. via the Publication Scheme

- Information supplied by, or relating to, bodies dealing with security matters
- Court records
- Personal Information (where the applicant is the subject of the information). This is covered by the Data Protection Act
- Information provided in confidence
- Where a disclosure is prohibited by an enactment or would constitute contempt of court

6.3 The School will withhold information subject to a non-absolute exemption (also referred to as a “qualified exemption”), if the public interest in refusing to disclose outweighs the public interest in providing the requested information. Types of information relevant to schools that could come into this category include:

- Information intended for future publication when active arrangements for publication are in place
- Health and safety
- Personal information when the applicant is requesting information about a third party.
- Commercially sensitive information
- Law enforcement
- Investigations and proceedings by public authorities

6.4 The School will seek advice from the Information Commissioner’s Office in all cases of doubt.

6.5 Whenever the School 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 School’s complaints procedure and of the right of appeal to the Information Commissioner. Any complaint received will be dealt with in accordance with the School’s complaints procedure as detailed in its Complaints Policy. If the result of the complaint is that any decision to withhold information be overturned, the information will be supplied as soon as possible.

APPENDIX 1: THE SCHOOL'S PUBLICATION SCHEME

A1.1 The list of information included in the School's Publication Scheme is based on the latest guidance from the Information Commissioner's Office.

A1.2 Information is available under the School's publication scheme from either: St. Mary's Church of England Primary School, Dilwyn, Hereford HR4 8HR or: <http://www.stmarysprimarydilwyn.co.uk/>

A1.3 The information covered by the School's Publication Scheme falls into the following categories.

A1.4 Role and Purpose

- Articles of Association
- School prospectus and curriculum
- Names of the Governors and basis on which they have been appointed
- School session times and term dates
- Location and contact information
- Name of the Key Personnel

A1.5 Financial Information

- Annual budget plan and financial statement including annual income and expenditure returns. Details of sources of income should be included. Items of expenditure over £5,000 should include cost, supplier and transaction information.
- Capital funding ie information on major plans for capital expenditure, including details of capital funds allocation.
- Financial audit reports
- Procurement and contracts - details of procedures used for the acquisition of goods and services and details of contracts that have gone through a formal tendering process
- Staff pay and remuneration policy
- Governors' allowances
- Pupil Premium income and expenditure
- P.E. and Sport funding allocation

A1.6 Plans and Performance

- Ofsted reports
- Employee Pay and Performance Policy
- Aims and Objectives

- Future plans, if appropriate
- Safeguarding and Child Protection
- Annual Reports (financial information, governance)

A1.7 Decision Making Processes

- Admissions policy and summaries of decisions for the last three years
- Governing body minutes, agendas and papers with the exception of information that is properly considered private to the meeting

A1.8 Policies and Procedures

- School policies and procedures required by statute as listed on the Department for Education website
- Records management and personal data policies
- Equality and diversity policy
- Staff recruitment policies and procedures
- Charging regime and policies

A1.9 Lists and Registers

- Curriculum circulars and statutory instruments sent to the Head Teacher / Governing Body concerning the curriculum
- Disclosure log indicating the information provided in response to requests
- Capital asset register
- Any information the School is currently legally required to hold in publicly available registers

A1.10 Other Services

- Extra-curricular activities
- Out of school clubs
- School publications
- Services for which the School is entitled to recover a fee, together with those fees
- Leaflets, booklets and newsletters

Date Implemented April 2016 Review Date: April 2019

Approved By _____ (Chair of Governors)

Person Responsible _____ (Principal)