

St Andrew's Church of England Primary School



With Faith, Hope and Love we can achieve greater things.

*Freedom of Information Policy
September 2015 - Sept 2018*

L Thompson

FREEDOM OF INFORMATION POLICY

The school strives to be open and accountable by providing relevant information on a regular and timely basis to parents, the community and its other stakeholders.

Purpose

This document sets out how St Andrew's C of E Primary School complies with the requirements of the Freedom of Information Act 2000 (FOIA), under which schools have a duty to provide advice and assistance to anyone requesting information.

Method of Achievement

In January 2004 the Governors agreed to adopt the Model Scheme for Publication of school documents. All documentation will be available in hardcopy, except for confidential minutes. This policy will be reviewed annually to ensure that it is kept up to date and remains appropriate.

N.B. This policy should be read in conjunction with the school's document/information retention schedule which is maintained as a separate document. (See Appendix C)

All the staff and governors in the school are made aware of the requirements of the FOIA and how the school handles requests for information and will be advised of any changes to these. The requirements of the Act form part of the induction process for new members of staff.

Requests for information must be made in writing (including fax or email), have the name and correspondence address of the enquirer and have details of the information required. The enquirer will be told if the school or governing body hold information except where certain exemptions apply. (see Appendix A)

In meeting the schools obligations to provide help and guidance we will;

- if appropriate, provide the information in writing as soon as is practicable.
- let the enquirer know where the information is available if it is already in the public domain (e.g. School Website),
- let the enquirer know if another public body holds the information requested, where it is not held at the school ensure that any exemption that is applied is clearly identified and, where appropriate, reasons given for its use.

The approval of the application of other exemptions and the undertaking of the public interest test, when applying qualified exemptions, will be dealt with by the headteacher and/or chairman of governors as appropriate.

The implementation of the day to day policy is delegated to the Headteacher. We will endeavour to provide a response for requests within 20 working days, excluding school holidays. Where circumstances make it difficult for the information to be provided in time to meet this deadline, we will advise the enquirer accordingly and seek to provide the information as soon as possible. All requests will be logged by the school Administrator and their progress tracked and reported to the Governing Body.

The log will record all requests for information (including the date received), fees received (where applicable) and the date the information was provided.

It will also include a record of the exemptions that have been applied and the reasons given for them where appropriate. Any expressions of dissatisfaction about the way a request for information has been handled by the school or the governing body will be dealt with through the school's existing complaints policy. Appendix B provides a checklist for the action to be taken in respect of requests for information.

Charging Structure

A charge for photocopying of 10p per sheet will be made for straight forward requests. In addition a charge will be made to recover postage costs; postage will normally be second class unless the enquirer requests first class.

The Governing Body will consider complying with a request for information where the charge for staff time exceeds the threshold of £450 (see note below) if the applicant is prepared to pay the appropriate costs, as long as the work load involved will not adversely affect any aspects of the school's or governing body's service provision.

N.B. Staff time can only be charged for where the cost threshold of £450 is exceeded. The costs threshold is the limit at which the school/GB does not have to comply with a request. The costs that can be taken into account when calculating if the threshold is going to be reached are the staff time taken to establish if the information is held, to locate it and to send it to the applicant plus the photocopying/postage costs. Staff costs are calculated using a set figure of £25 per hour for each member of staff needed to deal with the request (i.e.18 staff hours).

If the calculation comes to under £450 the only charge will be for photocopying and postage.

APPENDIX A

(FREEDOM OF INFORMATION POLICY)

Freedom of Information Act 2000 (Section 36) Guidance on Exemptions

Information to which this section applies (i.e. information held by the school or governing body) would be exempt if, in the reasonable opinion of a qualified person, disclosure of the information under the Act would, or would be likely to inhibit

- A) the free and frank provision of advice, or
- B) the free and frank exchange of views for the purposes of deliberation, or

Would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

The exemptions should only be applied if the chairman of governors is certain that the above adverse effects would or would be likely to follow from a disclosure in relation to the areas covered above. It is not enough that disclosure would result in someone's temporary Embarrassment.

The 'exchange of views for the purposes of deliberation' could include processes of decision-making, opinion forming or evaluation, but is likely to exclude very casual or trivial exchanges.

Section 36 is not limited to particular kinds of information; it works by reference to the effects of disclosure rather than to content.

The information sought does not need to be the full record of advice or an exchange of views to be capable of having an inhibiting effect; it may merely refer to it indirectly or affect it some other way. It is not an absolute exemption and it can only be used when the prejudice or harm detailed above can be demonstrated.

The exemption is also subject to the public interest test. This means that even where the effects can be demonstrated it is still necessary to consider whether the public interest in withholding outweighs the public interest in disclosure. Only if that is the case should the information be withheld. It will be extremely important to document thoroughly the reasons why information falls within Section 36(2).

Therefore, if the chairman of governors decides to withhold information, then the notification to the person requesting the information must explain why the exemption is being relied upon and why the balance of the public interest comes down against the disclosure.

It should be noted that the qualified person cannot delegate this decision making function to others. Further guidance on the issues the qualified person needs to consider when assessing if this exemption should be applied is held on the Department for Constitutional Affairs web site which can be accessed via the Hampshire Governor Services Web site under Freedom of Information in the A-Z index.

Other exemptions could apply including personal information covered by the Data Protection Act 1998.

APPENDIX B

(FREEDOM OF INFORMATION POLICY)

Freedom of Information Act 2000

Checklist for Action on Receipt of a Request for Information

- All requests should be in writing - this may be a fax or email. Anyone making a verbal request should be asked to put it in writing.
- Enter the details of the request into the Log assigning a unique reference number to each request. Include details of the enquirer's name and address, format of request, date received, the information requested and any relevant comments.
- Consider the nature of the request. Are there, for example, Data Protection Act implications (relating to personal data), is the information likely to fall under the provisions for exemption? Seek advice and guidance where any doubt exists as to the nature of the information requested (Headteacher/Chair of Governors). Update the Log with relevant details.
- Where a request for information has been referred for guidance, consider the following:
 - The implications of the Data Protection Act.
 - The implications for any third parties affected by disclosure.
 - Consult with the third party as appropriate.
 - Whether any exemptions apply and whether they are absolute or qualified.
 - An assessment against the public interest test to establish whether or not applying qualified exemption outweighs the public interest in disclosing the information.
 - Application of the redaction procedure whereby personal data may be blacked out in a document thus making it available to the enquirer.

- If, as a result of the above consideration, we are unable to provide the information requested, advise the enquirer accordingly and record the details on the Log.
- Determine whether or not the school holds the information. If it is held provide the information if it has already been made public. If the information has not yet been made public (e.g. draft minutes) advise the enquirer accordingly and follow up once the information is publicly available. Record the details in the Log.
- If the information is not held advise the enquirer and record this in the Log. If there is another source where the information may be held, refer the enquirer to it.
- At an early stage determine the likely cost of providing the information, referring to the charging structure in the policy document. Advise the enquirer that any charges must be paid before the information will be provided. (N.B. Should the work involved in providing the information be considered excessive or likely to have an impact on other duties within the school, refer to the Headteacher for guidance before proceeding.)
- Ensure that the Log records all action taken. In addition, retain copies of all correspondence relating to the request.