

Monken Hadley CE Primary School

Seek what is good, treasure what is true, do what is right.

FREEDOM OF INFORMATION POLICY

Ratified by	Governing Body
Date	17 th March 2016
Date for Review	Spring Term 2019

1. Introduction

- 1.1 The Freedom of Information Act 2000 (FoIA) provides a general legal entitlement to all information held by Monken Hadley CE School. Therefore, any individual or body has the legal right:
 - 1.1.1 To access all the information in the Governing Body's Publication Scheme (this details all the information that the Governing Body makes available to the public);
 - 1.1.2 To request all information held by the Governing Body, regardless of when it was created, by whom, or the form in which it is now held. (The Governing Body has a *Retention Schedule* based on the schedule recommended by the *Records Management Society of Great Britain*, which guides the Governing Body as to how long it should keep records.);
 - 1.1.3 To be informed whether the Governing Body holds such information and if so to have that information communicated to them;
- 1.2 The Act operates in conjunction with the Data Protection Act 1998 and the Environmental Information Regulations 2004.

2. Purpose

- 2.1 The policy provides the framework for openness and accountability as:
 - 2.1.1 A significant portion of information about the Governing Body is made available to the public through the Governing Body's Publication Scheme;
 - 2.1.2 Information not included in the Governing Body's Publication Scheme can be made readily available on request subject to certain exemptions;
 - 2.1.3 Requests for information are responded to within 20 working days;
 - 2.1.4 Exemptions under the FoIA, and associated public interest tests, are applied appropriately;
 - 2.1.5 A fair and efficient internal appeal system is administered.

3. Scope

- 3.1 This policy applies to all recorded information that the Governing Body holds, including: information created, received and maintained by Governing Body staff in the course of their work.
- 3.2 Information can be held in a number of different media including paper and electronic.
- 3.3 Requests for personal data are still covered by the Data Protection Act. Individuals can request to see what information the Governing Body holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.
- 3.4 Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations. Requests under EIR are dealt with in the same way as those under FoIA, but they do not need to be written and can be verbal.

4. Policy Statements

- 4.1 The Governing Body believes in the ethos of the FoIA 2000 and accepts its obligations under the FoIA and will seek to make information readily available.
- 4.2 The Governing Body as far as possible will not charge fees for handling information requests, but apply the "appropriate limit" and where the cost of complying with requests exceeds this, we will ask the requestor to refine the request.
- 4.3 The Governing Body will deal with initial complaints from requestors through its internal complaints procedures.

- 4.4 Complainants will be informed to appeal to the Information Commissioner if they are not satisfied with the outcome of the Governing Body's internal complaints procedure.
- 4.5 The Governing Body will proactively publish information as part of its Publication Scheme and will update it regularly.
- 4.6 The Governing Body will offer advice and assistance to requestors and will inform requestors of their rights under the FoIA.

5. Responsibilities

- 5.1 The Governing Body will recognise its corporate responsibility under the FoIA as follows:
 - 5.1.1 Responsibility for ensuring compliance with this policy lies with the Responsible Governor.
- 5.2 The Responsible Governor and Chair of the Resources Committee are the joint "qualified person" who has to respond to the disclosure / nondisclosure of information that would "prejudice effective conduct of public affairs" (Section 36 of the FoIA).
- 5.3 The Headteacher has the day-to-day responsibility for co-ordinating the Governing Body's Freedom of Information function including:
 - 5.3.1 the overall development and maintenance of FoIA compliance throughout the Governing Body and in particular for establishing and promoting good practice;
 - 5.3.2 reviewing this policy and all procedures and guidance;
 - 5.3.3 ensuring that the Governing Body's Publication Scheme, is maintained and updated regularly;
 - 5.3.4 ensuring all information requests have been answered in line with the legislation;
 - 5.3.5 maintaining a register of freedom of information requests;
 - 5.3.6 providing general guidance and training, as well as specific advice, on any aspect of the FoIA, including the Publication Scheme, how to handle information requests and how to apply exemptions;
 - 5.3.7 liaising with the Information Commissioner' Office;
 - 5.3.8 **Process Maps 1 and 2 contain flow charts showing how to handle a request.**
- 5.4 The Headteacher is to ensure that staff are aware of the existence of this policy.
- 5.5 The Headteacher is to ensure their school complies with the FoIA, including the preparing of responses to information requests and practising good Records Management.
- 5.6 The School's Office Manager is to co-ordinate the Freedom of Information requests received in their schools, and is to liaise with the Headteacher and Responsible Governor in answering information requests, ensuring that a copy of any response, refusal and reasons for refusal are recorded.
- 5.7 All staff, whether or not they create, or manage information have responsibilities under the FoIA. They are to ensure that any information request they may receive is handled in compliance with this policy and in accordance with *the Freedom of Information Act 2000*. In general, all staff should:
 - 5.7.1 study this policy and the Freedom of Information Act 2000;
 - 5.7.2 provide advice and assistance to persons making information requests, referring requestors on to the Chair of Governors when necessary,
 - 5.7.3 provide information needed to respond to information requests within 10 working days of receiving a request from the School's Office Manager so that the requestor can receive a response within the statutory 20 working days;
 - 5.7.4 contribute documents for the updating of the Publication Scheme.

6. Publication Scheme

- 6.1 The Governing Body's Publication Scheme is a document which is available on the School's website and it describes the information it publishes, or intends to publish, there.

7. Information Requests

- 7.1 The Governing Body will always release information requested unless there is a very good reason, allowed by the law, not to do so.
- 7.2 Information not already made available in the Governing Body's Publication Scheme will be obtained when a requestor sends a written request. Requestors will not be sent information which any of the absolute exemptions apply.
- 7.3 The Governing Body must respond to any request within 20 working days, but where further reasonable clarification is needed, the requestor will be contacted.

8. Public Interest Test

- 8.1 In line with the FoIA, if the Governing Body considers applying a qualified exemption when a request for information is received, then the Governing Body is obliged to consider whether there is a greater public interest in providing the information to the requestor, or in maintaining the exemption.
- 8.2 In the case of every information request where the Governing Body needs to apply this test; it will be handled in accordance with official Governing Body procedures and the guidance from the Information Commissioner's Office.

9. Fees

- 9.1 The Governing Body is able to charge fees for the provision of information and its stance on charging fees will be:
- 9.1.1 Fees will not be charged for the provision of information available through the Publication Scheme unless a charge is already included in the scheme;
- 9.1.2 Fees will not be charged for the provision of information made in response to a request where in complying with that request the cost will not be more than the upper limit of £450 or 18 working hours in accordance with the guidance issued by the Information Commissioner;
- 9.1.3 Where an applicant requests information to be provided in another format, there will be no charge, unless the request makes excessive demands on the Governing Body's resources;
- 9.1.4 Fees may be charged where compliance with a request would exceed the upper limit of £450. All such requests will be dealt with on a case by case basis;
- 9.1.5 Where applicable fees must be paid before the information is provided.

10. Appeals Procedures

- 10.1 Applicants dissatisfied with the Governing Body's initial response to a request for information would need to make a complaint in writing to the Chair of the Governing Body.

- 10.2 Complainants dissatisfied with the outcome of any complaint made through the Governing Body's internal complaints procedure can appeal to the Information Commissioner.

11. Guidance

- 11.1 All members of staff should receive an introductory briefing on the Freedom of Information Act and relevant compliance procedures.
- 11.2 Guidance on the procedures necessary to comply with this policy is available from the Headteacher.



Freedom of Information Act Publication Scheme for Monken Hadley CE School

This publication scheme has been prepared and approved by the Governing Body. Information published under this scheme will be made available can be found on the School website. The School also manages certain statutory lists and registers and assessments.

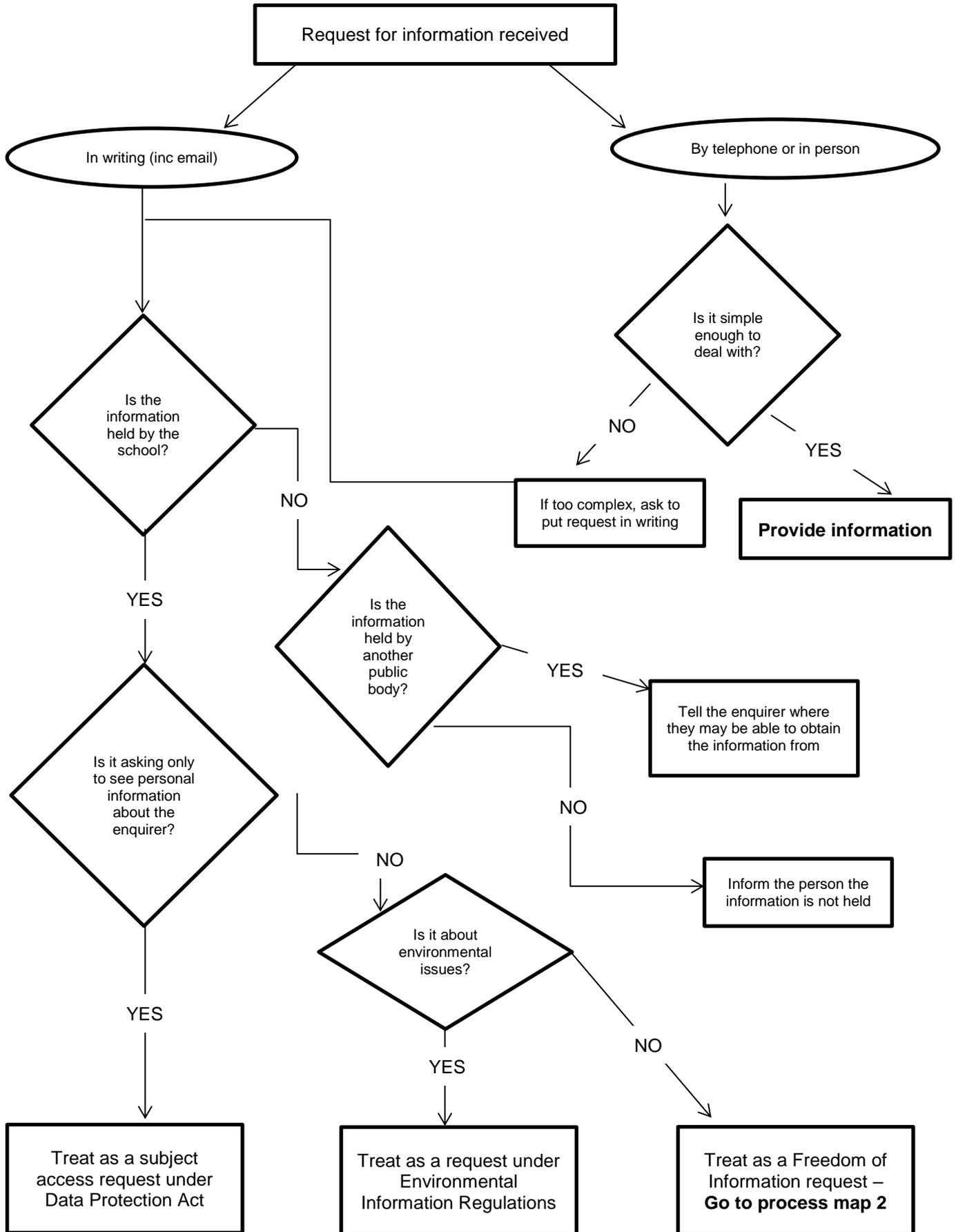
Written Requests

Information held by Monken Hadley CE School that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act. Requests in writing should be made to the School Administrator.

Guide to information available under the publication scheme

- Admissions - arrangements and procedures and right of appeal
- Contact details for the Headteacher and the Governing Body
- Equality and diversity
- Extra-curricular activities
- Governing Body – names and contact details of the governors and the basis of their appointment
- Leaflets, booklets and newsletters
- Location and contact information – address, telephone number and website
- Past year's accounts
- Performance data
- Prospectus and Parent Handbook
- Safeguarding – policies and procedures on safeguarding and promoting the welfare of children.
- School Improvement Plan
- School policies
- School publications
- School's session times, term dates and holidays
- Services for which the School is entitled to recover a fee, together with those fees
- Staff – names of key personnel

Process Map 1: RECEIVING REQUESTS FOR INFORMATION



Process Map 2: HANDLING FREEDOM OF INFORMATION ENQUIRIES

