Freedom of Information Policy

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4.0	Annual review	Mar 21	Clarify who parent should contact	RB
5.0	Annual review	May 22	Minor amend to exemptions	CB
6.0	Annual review	June 23	No change	RB/ TJ
7.0	Annual review	June 24	No change	CW/ TJ
8.0	Annual review	June 25	Amend to ICO contact details and clarification of response times	JCu/ TJ
8.0	Annual review	June 26	Amendments in line with latest changes FoI legislation	JCu/ TJ

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In the development of this policy consideration has been given to the impact on protected characteristics under the Equality Act and the work life balance of employees.

1 Introduction

1.1 Christ Church C of E Primary School is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

1.2 The Freedom of Information Act 2000 (FoI) came fully into force on January 1 2005. Under the Act, any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds the information, and to receive a copy, subject to certain exemptions.

1.3 While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

1.4 The Act is fully retrospective, so that any past records which the school holds are covered by the Act. Please refer to the Schools Data Protection Policy for register (Appendix 1) of document retention periods. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

1.5 Requests under FoI can be addressed to anyone in the school; so all staff need to be aware of the process for dealing with requests. The school would request, however, that FoI requests are directed to the Headteacher via the school email address. Requests must be made in writing, (including email), and should include the enquirer's name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to create new data in specific response to a FOI enquiry. The school will respond promptly, within 20 school days (days when students are in school). The maximum time limit for response **is 60 working days** (this means any day that is not a Saturday, Sunday, or a public or bank holiday).

1.6 For further information and guidance, see https://ico.org.uk/for-organisations/guide-tofreedom-of-information/

2 Scope

2.1 The FoI Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the school.

2.2 Requests for personal data are still covered by the UK GDPR / Data Protection Act 2018. Individuals can request to see what information the school holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

2.3 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 (EIR).

They also cover issues relating to Health and Safety. For example queries about chemicals used in the school or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FoI, but unlike FoI requests, they do not need to be written and can be verbal

2.4 If any element of a request to the school includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FoI, and must be dealt with accordingly.

3 Obligations and Duties

3.1 The school recognises its duty to:

3.1.1 provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.

3.1.2 tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the procedures laid down by the local authority.

4 Publication Scheme

Christ Church C of E Primary School has adopted the 'Model Publication Scheme for Schools' approved by the Information Commissioner (see website - https://ico.org.uk/fororganisations/guide-to-freedom-of-information/publication-scheme/definition-documents).

Where practicable information will be published on our website, otherwise information as listed below will be available on request.

4.1 Schools are expected to publish:

4.1.1 **Who we are and what we do** (organisational structure, location and key contacts):

- Articles of Association
- School prospectus and curriculum
- Governing Body details
- School session times and term dates
- Location and contact details

4.1.2 **What we spend and how we spend it** (financial information about projected and actual income and expenditure, procurement, contracts and financial audit – min 2 years):

- Annual budget plan and financial statements (details of the sources of funding and income, details of items of expenditure over £5000)

- Capital funding Information on major plans for capital expenditure • Financial audit reports
- Procurement and contracts
- Pay policy
- Staff allowances and expenses
- Staff pay and grading structures
- Governors' allowances

4.1.3 **What our priorities are and how we are doing** (strategies and plans, performance indicators, audits, inspections and reviews – current information):

- Performance data supplied to the government
- Latest Ofsted report
- School Performance
- The school's future plans
- Safeguarding and child protection

4.1.4 **How we make decisions** (decision-making processes and records of decisions – current and previous 3 years):

- Admissions policy / decisions
- Minutes of meetings of the governing body and its committees

4.1.5 **Our policies and procedures** (current written protocols, policies and procedures for delivering our services and responsibilities)

- School policies and other documents
- Records management and personal data policies
- Equality and diversity
- Policies and procedures for the recruitment of staff
- Charging regimes and policies

4.1.6 Lists and registers

- Curriculum circulars and statutory instruments
- Anonymised Disclosure logs
- Asset register (sensitive information withheld)
- Any information the school is currently legally required to hold in publicly available registers

4.1.7 **The services we offer** (information and may also relate to information covered in other classes).

- Examples of service:
- Extra-curricular activities
- Out of school clubs
- School publications
- Services for which the school is entitled to recover a fee
- Leaflets, booklets and newsletters

4.2 Schools are not expected to routinely publish all information; for example, where:

- they do not hold the information

- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute
- the information is readily and publicly available from an external website; such information may have been provided either by the school or on its behalf.
- the information is archived, out of date or otherwise inaccessible
- it would be impractical or resource-intensive to prepare the material for routine release.

4.3 Dealing with Requests:

Requests should be sent in writing to the school email address: christ.church.p@bristolschools.uk , marked for the attention of the member of staff.

4.4 Exemptions:

Certain information is subject to either absolute or qualified exemptions as defined in Part II of the Freedom of Information Act.

Requests involving personal data will be considered under Section 40 FOIA and UK GDPR, including fairness, lawfulness, and legitimate interest.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

4.5 Public Interest Test:

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

4.6 Charging:

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum.

Where the school will invoke a material cost (including photocopying, printing, paying for data sets) in producing the information for a request, the cost of this will be detailed to the applicant and agreed in advance of supplying the information in line with the FOIA Fees Regulations.

4.7 Complaints:

Any complaint against the original decision will trigger an internal review, which will be carried out by the School Business Manager if they were not involved in the original decision; otherwise a member of the Senior Leadership Team as nominated by the head teacher. This will be completed within 20 working days

If on investigation the school's original decision is upheld, then the school has a duty to inform the complainant of their right to appeal to the Information Commissioner's office.

Appeals should be made in writing to the Information Commissioner's office. They can be contacted at:

ICO website: https://ico.org.uk

Helpline: 0303 123 1113

Online complaints form: https://ico.org.uk/make-a-complaint/

Headteacher: Mark Oldfield
Deputy Headteacher: Vikki Richardson
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