

St. Mary's Church of England Primary School Fownhope

FREEDOM OF INFORMATION POLICY



Walking together in the fruit of the Spirit

UPDATED DECEMBER 2024

A rich education is more than simply learning reading, writing and maths. It is about helping a child grow into their full potential as inquisitive, well-balanced and cheerful adults. As a Church school we nurture children to display the 'fruit of the Spirit', which is "love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self-control" (Galatians 5:22-23). At St Mary's you will find children growing in mind, body and spirit as they form good relationships with each other, the staff and discover a faith which will sustain them in a rapidly changing world. As our motto has it: "what we nurture today flourishes tomorrow".

Purpose

The purpose of this document is to set out the School's statement of intent with regards to its responsibilities under the Freedom of Information Act 2000 (FOIA), and to inform all school employees, governors and volunteers of their responsibilities when receiving and processing requests made under the relevant legislation.

Scope

This document informs school employees, governors, recipients of school services and members of the public of the process the school has established for complying with the FOIA. This legislation is designed to promote greater openness and transparency throughout the public sector.

1.0 Introduction

The FOIA provides public access to information held by public authorities. It does this in two ways:

- Public authorities are obliged to publish certain information about their activities; and
- Members of the public are entitled to request information from public authorities

St. Mary's Church of England Primary School is a public authority for the purposes of the FOIA and as such must comply with its provisions.

This policy provides a framework within which the School will ensure compliance with its obligations under the FOIA and associated regulations and will underpin any operational procedures and activities connected with this.

The School is committed to ensuring that it provides access to information in accordance with its obligations under FOIA, associated regulations and professional guidelines. The School will use the appropriate and necessary means at its disposal to comply with the legislation and associated guidance.

2.0 Legislation, Guidance and Background

The FOIA requires public authorities, including schools, to publish certain information proactively, with its commitment to doing so set out in its Publication Scheme. St. Mary's School has adopted the 'model publication scheme' from the Information Commissioner's Office; details of this can be found on the school website and in **Appendix 1** of this policy.

In addition, the public have a general right of access to recorded information held by public authorities. This recorded information includes: information created and held by the school, information created by the school and held by another organisation on our 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), and information held by the school relating to the governors where the information relates to the function or business of the school.

The FOIA came into force on 1 January 2005. It is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1 January 2005 onwards.

In complying with its duty any public authority must also take into account:

- The Section 45 Code of Practice which gives recommendations for public authorities about their handling of requests.

- The Code of Practice on datasets, which provides guidance on how to meet obligations in relation to dataset provision.
- The Section 46 Code of Practice which covers good records management practice and the obligations of public authorities under the Public Records Acts to maintain records in an ordered and managed way, so that information can be readily retrieved when needed.

St. Mary's School will abide by the terms of the Codes of Practice whenever this is possible or appropriate.

The FOIA is also complemented or supported by the following legislation:

- Environmental Information Regulations 2004 (EIR), which gives access to recorded environmental information held by public authorities. The EIR came into force on 1 January 2005 and is also fully retrospective.
- Data Protection Act 2018 (DPA) and the General Data Protection Regulations 2016 (GDPR) which gives individuals access to personal information held about them.

Further information relating to the above legislative requirements can be found at: <https://ico.org.uk/>.

3.0 Definitions

Term	Definition
Recorded Information	Any information held in computers, in emails, and in printed and handwritten documents, as well as images, video and audio recordings. It extends to closed, archived and current material. It does not include unwritten knowledge, views, opinions, memories or thoughts.
Internal Review Panel	Panel comprised of governors who review FOIA responses when the requester is dissatisfied with the initial response.
Qualified Person	The individual at the school who is legally required, when Section 36 of the FOIA is engaged, to give their reasonable opinion as to whether or not disclosure of information would be prejudicial. The Qualified Person for each type of public authority is defined by the FOIA, they are not chosen by the authority itself. In the case of the School, the Qualified Person is the Chair of Governors.
Exemption / Exception	An exemption is a valid reason, defined by the FOIA, which allows information to be withheld from the requester. Exemptions can be absolute or qualified and may be subject to a Public Interest Test. Under the EIR, these reasons are known as an exception.

Term	Definition
Absolute Exemption	Valid reasons, defined by the FOIA, through which information can be automatically withheld, without consideration having to be given to the public interest in disclosure.
Qualified Exemption	Valid reasons, defined by the FOIA, which the public authority needs to consider to determine whether the public interest favours withholding or disclosing the information.
Public Interest Test / Assessment	The assessment (also known as the Public Interest Test) which must be carried out when considering whether or not to apply a qualified exemption. The assessment weighs the public interest in disclosure against the public interest in maintaining the exemption. To justify withholding the information, the public interest in maintaining the exemption must outweigh the public interest in disclosure.

4.0 Roles and Responsibilities

This policy applies to all staff employed by our school, governors, volunteers, contractors, external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

4.1 Governing Body

The Governing Body has overall responsibility for ensuring that our school meets the statutory requirements of the FOIA and EIR. The Governing Body will ensure that the School has procedures in place to handle information requests covered by the relevant legislation and that the school satisfies the standards set out in the Codes of Practice.

The Governing Body will monitor the School's compliance with the legislation. It will ensure that there are adequate resources to support the work outlined in this policy to ensure compliance.

The Governors will carry out the functions of the internal review panel - reviews being carried out as required by 3 nominated Governors.

For the purposes of the FOIA, the Chair of Governors is the school's Qualified Person. As such the Chair will have no involvement in reviews.

4.2 FOI Officer

The School has delegated the role of FOI Officer to Tanya Walshe, School Business Manager

The FOI Officer is responsible for the following tasks:

- Logging and acknowledging requests for recorded information which fall within the provisions of the FOIA or EIR.
- Collating the recorded information requested or organising others to collate it.

- Providing a response to the requester within the statutory response timescales - either releasing the information or applying relevant exemptions as deemed appropriate.
- Logging and passing requests for an internal review to the Governors' review panel in a timely manner.
- Acting as the point of contact for, and co-operating with, the Information Commissioner's Office (ICO).

Further advice and support is available to the FOI Officer from the School's Data Protection Officer (DPO) - Ms Samantha Smith who can be contacted by email: igschools@herefordshire.gov.uk; Tel: 01432 260282; Post: Information Governance, Herefordshire Council, Plough Lane, Hereford, HR4 0LE.

4.3 Staff and Governors

All staff and governors will ensure that:

- Any requests for recorded information that they receive direct are dealt with in line with the requirements of the FOIA and in compliance with this policy and prevailing procedures.
- They recognise all recorded information may be provided to the public, and that the law requires that there will be full and unconditional disclosure in every case unless one of the statutory exemptions applies.
- They handle requests for information in compliance with the provisions of the FOIA, taking advice from the FOI Officer where necessary.

It is the responsibility of all staff and governors to ensure that they comply with the requirements of this policy and any associated policies or procedures.

4.4 Contractors and Agency Staff

Where contractors are used, the contracts between the school and these third parties must contain mandatory information assurance clauses to ensure that the contract staff are bound by the same code of behaviour and policies as school staff and governors, including this policy.

4.5 Volunteers

All volunteers are bound by the same code of behaviour and policies as School staff and Governors, including this policy.

5.0 Responding to information requests

The School will comply with all of the relevant provisions of the FOIA and where relevant the requirements of the EIR.

The School aims to respond to all requests promptly and within the statutory response period of 20 working days following the date of receipt, excluding any day which is not a school day (this effectively equates to a period of 20 school days) or 60 working days, whichever is the shorter period.

Where the school already publishes the information requested, as set out in the Publication Scheme, the requester will be directed to the public resource where they may find the information they require.

As required by the legislation, advice and assistance will be provided to help people make requests under the FOIA.

Access to information can, and will, only be denied if there is an absolute exemption which applies to its disclosure, or, if a qualified exemption applies, and the public interest assessment dictates that the information should not be disclosed.

In cases where information is covered by a qualified exemption, consideration will be given as to whether or not it is in the public interest to disclose the information, regardless of the exemption.

The School reserves the right to refuse requests whose total administrative costs exceed the appropriate limit of 18 hours based on an average flat rate of £25 per hour (£450) as stated in the Freedom of Information and Data Protection (Appropriate Limits and Fees) Regulations 2004.

The School will refuse any vexatious or repeated requests, which meet the definition set out in the legislation.

Reasons for refusal will be communicated in writing to the requester, specifying which exemptions apply and the reasons for refusal.

The School has adopted and follows the internal review procedure detailed in **Appendix 2** of this policy.

The School will respond promptly to requests from the ICO concerning requests for information which have been processed under the FOIA or EIR.

6.0 Related Policies, Procedures and Guidance

All school workforce and Governors should ensure they regularly check and abide by the following policies, procedure and guidance documents:

- FOI Policy
 - Publication Scheme
 - Guidance for Requesters
 - Freedom of Information & Environmental Information Request Handling Procedure
 - Internal Review Procedure

All of the above can be found within the document 'St. Mary's C of E School Freedom of Information Procedure', to be found on our school website.

In line with the school's guidelines this policy will be reviewed every two years.

This policy was approved by the Governing Body on:	17 th December 2024
Signature of Headteacher:	Tim Milne
Signature of Chair of Governors:	James Potheary
Review Date:	December 2025

Appendix 1- Publication Scheme

The school has adopted the following as its publication scheme:-

Model publication scheme (version 1.2) Freedom of Information Act (Information Commissioner's Office)

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public Model publication scheme Model publication scheme Version 1.2 20151023 2 authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of information

Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available.

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority 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.

Appendix 2- Internal Review Procedure

In the event of a request for a review of the School's processing of a Freedom of Information request, a review will be undertaken by a panel of governors who were not involved in the original decision. The reviewing panel will make a fresh decision based on all available evidence at the date of the request and will consider the validity of any exemptions applied and whether the school complied with its statutory duties.

A response will be provided within 20 working days, following the date of receipt, excluding any day which is not a school day (this effectively equates to a period of 20 school days); or 60 working days, whichever is the shorter period .

The Panel:

- The Panel can be selected from the Governing Body, not including the Chair.
- Each Panel must have 3 nominated members to be Quorate. No Panel will include the Chair of Governors (as the School's Qualified Person the Chair will have no involvement in reviews).
- One of the nominated Governors will act as the Panel lead for the review - investigating and writing the response. The other 2 members of the Panel will provide comments / sign off the response.
- All Panel members are trained in/ have an understanding of FOIA and EIR legislation.

Receiving a Request for Review & Setting up a Panel:

- When a request for review is received by the School, the FOI Officer will log the request onto the FOIA register.
- The FOI Officer will send the requester an acknowledgement letter which will include details of when the response can be expected by.
- The FOI Code of Practice states that public authorities who are allowed to exceed the normal 20 working day deadline as a result of regulations made under Section 10(4) for example maintained schools, academies, pupil referral units, etc. should apply the same timescales to internal review. Therefore, requests for review of responses to, or the handling of FOIA or EIR requests, will be dealt with as soon as possible, and in any event, within 20 working days following the date of receipt, excluding any day which is not a school day (this effectively equates to a period of 20 school days; or 60 working days, whichever is the shorter period).
- The FOI Officer will nominate 3 Governors to sit on the Panel. The Governors sitting on each Panel may vary depending on their workloads or availability. The FOI Officer will provide the Governors with a copy of the review request and the original response / any information which was sent out at the time of the original response.
- The Governors on the Panel will determine between themselves who will act as the lead for the review.
- The FOI Officer will keep a record of when the response is due by and will send reminders to the lead at timely intervals e.g. 2 weeks before the response due, 1 week, etc.

Undertaking the Review:

- The Panel lead will undertake an initial investigation and make a fresh decision based on all available evidence that is relevant at the date of the request, not just a review of the first decision. Particular attention will be paid to any concerns raised by the requester. As part of this process, the Panel lead may need to consult with the FOI Officer who wrote the original response and/ or the staff member(s) who provided information for the response.
- The Panel lead will need to consider:
 - Whether the panel agrees with the original response or not
 - Whether the panel considers new exemptions/ exceptions to be applicable. If so, these will need to be detailed and an explanation provided to the requester as to why these are engaged - to the extent that this is possible without revealing exempt information.
- Advice and assistance is available from the School's DPO - email: igschools@herefordshire.gov.uk Tel: 01432 260282.
- The FOI Code of Practice states that if an internal review is complex, requires consultation with third parties or the relevant information is of a high volume, public authorities may need longer than 20 working days to consider the issues and respond. In these instances, the public authority should inform the requester and provide a reasonable target date by which they will be able to respond to the internal review. It is best practice for this to be no more than an additional 20 working days, although there will sometimes be legitimate reasons why a longer extension is needed.
- If further time is required for an FOIA review, the Panel lead will notify the FOI Officer within the initial 20 working days to confirm that an additional 20 working days is needed, and the reasons for this. The FOI Officer will send the requester an extension letter confirming the reasons for the delay and the new response date.
- The Panel lead will make an initial recommendation about the validity of the exemptions applied/ whether the School complied with its statutory duties / whether another exemption should be applied.
- If the outcome of a review is that information previously withheld should now be disclosed, the information should normally be provided at the same time as the requester is informed of the outcome. If this is not possible, the requester should be informed how soon the information will be provided.
- A proposed response to the requester will be prepared by the Panel lead.
- The review response will then be sent to the 2 other members of the Panel for comment / sign off.
- How the recommendation is agreed and signed off will depend on the complexity of the review. In most cases, the review response can be agreed by email, but in more complex cases it may be considered preferable to instead hold a meeting to discuss.
- Panel members must respond promptly when asked to comment/ sign off to ensure that the review is carried out within the statutory timescales.

Completion of the Review:

- Once the review response has been agreed by the Panel, the response will be sent to the requester by the FOI Officer.
- The FOI Officer will update the FOIA register with the outcome of the review and date it was sent out.

- If the Panel find, as a result of the review, that procedures have not been properly followed by the School, and have any recommendations to improve internal processes to prevent a future occurrence, these will be made via the Panel lead to the FOI Officer/ Headteacher/ Governing Body.
- If the requester makes any further response regarding the review, or if the School is notified that the matter has been referred to the ICO, the FOI Officer will notify the Governors.
- If the School is notified that the matter has been referred to the ICO, the FOI Officer will also inform the School's DPO - email: igschools@herefordshire.gov.uk Tel: 01432 260282, who will be able to advise further.