

**Approval by governing body:** not required

**Date of review:** not required

## **Key staff**

- William Browne, assistant head
- Carole McKivitt, head's PA
- Sam Bradley, registrar

## **Context of this policy**

The Freedom of Information Act 2000 (which came into effect on 1st January 2005) expects public authorities, including all maintained schools, should be clear and proactive about the information they will make public.

To do this the school must produce a publication scheme, setting out:

- *The classes of information which we publish or intend to publish;*
- *The manner in which the information will be published; and*
- *Whether the information is available free of charge or on payment.*

The scheme covers information already published and information which is to be published in the future. Most of the information in our publication scheme is available for you on our website to download and print off or. Some is only available in paper form.

Some information which we hold may not be made public, for example personal information.

This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

## **Aims of this policy**

To enable the school to meet its obligations as a public body to provide the information it is required to do under the following legislation:

- Freedom of Information Act 2000 (FoIA)
- Data Protection Act 1998 (DPA) as extended by the FoIA
- Environmental Information Regulations 2004 (EIR)

## Implementation

### Timescales

- Freedom of Information requests should be dealt with within 20 working days, excluding school holidays.
- Requests for Data Protection (subject access requests) should be dealt with within 40 calendar days.

### Responsibilities

- The governing body is responsible for ensuring that the school has a freedom of information publication scheme
- The head is responsible for the day to day implementation of the scheme
- The head's PA is responsible for
  - providing advice and assistance to those making freedom of information requests
  - passing on freedom of information requests to the relevant member of staff and receiving back information
- All school staff are responsible for responding to freedom of information requests in line with this policy

### Scope

This 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 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 governors where the information relates to the functions or business of the school
- This 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 DPA).

### Charges

- If a charge is to be made the school will give written notice before providing the information
- The school will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption.
- Where the school estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. The school is not obliged to comply with such a request but may choose to do so.
- The Data Protection Act 1998 permits a charge of up to £10 to be made for

responding to requests for personal data. There is a sliding scale of up to £50 for copies of educational records.

## Categories of information published

- The publication scheme sets out the information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as ‘classes’. These are contained in the section below, headed classes of information
- The classes of information that we undertake to make available are organised into four broad topic areas:
  - *School prospectus* – information published in the school prospectus.
  - *The school profile and other information relating to the governing body* – information published in the school profile and in other governing body documents.
  - *Pupils & curriculum* – information about policies that relate to pupils and the school curriculum.
  - *School policies and other information related to the school* - information about policies that relate to the school in general.

## How to request information

- If you require a paper version of any of the documents within the scheme, please contact the school by telephone, email, fax or letter. Contact details can be found on our website: [www.fitzharrys.oxon.sch.uk](http://www.fitzharrys.oxon.sch.uk)

- ~~Email: [Insert details]~~
- ~~Tel: [Insert details]~~
- ~~Mobile phone: [Insert details]~~
- ~~Fax: [Insert details]~~
- ~~Contact address: [Insert details]~~

- To help us process your request quickly, please clearly mark any correspondence “**FREEDOM OF INFORMATION REQUEST**” (in CAPITALS please)
- If the information you’re looking for isn’t available via the scheme and isn’t on our website, you can still contact the school to ask if we have it.

# FREEDOM OF INFORMATION

62

## Classes of Information currently published

School Prospectus – **this section sets out information published in the school prospectus.**

Class	Description	Where
<b>School Prospectus</b>	<p>The statutory contents of the school prospectus are as follows:</p> <ul style="list-style-type: none"> <li>• information about the implementation of the governing body’s policy on pupils with special educational needs (SEN) and any changes to the policy during the last year</li> <li>• a description of the arrangements for the admission of pupils with disabilities; details of steps to prevent disabled pupils being treated less favourably than other pupils; details of existing facilities to assist access to the school by pupils with disabilities; the accessibility plan covering future policies for increasing access by those with disabilities to the school</li> </ul>	Website

The School Profile and other information relating to the governing body– **this section sets out information published in the School Profile and in other governing body documents.**

Class	Description	Where
<b>School Profile</b>	<p>The contents of the school profile is as follows:</p> <ul style="list-style-type: none"> <li>• list information included in the school profile e.g. <ul style="list-style-type: none"> <li>○ performance data</li> <li>○ summary of Ofsted report</li> <li>○ school’s intentions for the future, etc.</li> </ul> </li> </ul>	On-line or via the link on the school website
<b>Instrument of Government</b>	<ul style="list-style-type: none"> <li>• The name of the school</li> <li>• The category of the school</li> <li>• The name of the governing body</li> <li>• The manner in which the governing body is constituted</li> <li>• The term of office of each category of governor if less than 4 years</li> <li>• The name of any body entitled to appoint any category of governor</li> <li>• Details of any trust</li> </ul>	On paper or electronically on request

# FREEDOM OF INFORMATION

62

	<ul style="list-style-type: none"> <li>If the school has a religious character, a description of the ethos</li> <li>The date the instrument takes effect</li> </ul>	
<b>Minutes<sup>1</sup> of meeting of the governing body and its committees</b>	Agreed minutes of meetings of the governing body and its committees [ <i>current and last full academic school year</i> ]	On paper or electronically on request

Pupils & Curriculum Policies - **This section gives access to information about policies that relate to pupils and the school curriculum.**

Class	Description	Where
Home – school agreement	Statement of the school’s aims and values, the school’s responsibilities, the parental responsibilities and the school’s expectations of its pupils for example homework arrangements	Website
Curriculum Policy	Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school	Website
Sex Education Policy	Statement of policy with regard to sex and relationship education	Website
Special Education Needs Policy	Information about the school's policy on providing for pupils with special educational needs	Website
Accessibility Plans	Plan for increasing participation of disabled pupils in the school’s curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils.	Website
Race Equality Policy	Statement of policy for promoting race equality	Website
Collective Worship	Statement of arrangements for the required daily act of collective worship	Website

<sup>1</sup> Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this

# FREEDOM OF INFORMATION

62

Careers Education Policy	Statement of the programmes of careers education provided for Key 4.	Website
Child Protection Policy	Statement of policy for safeguarding and promoting welfare of pupils at the school.	Website
Pupil Discipline	Statement of general principles on behaviour and discipline and of measures taken by the head teacher to prevent bullying.	Website

School Policies and other information related to the school - **This section gives access to information about policies that relate to the school in general.**

Class	Description	Where
Published reports of Ofsted referring expressly to the school	Published report of the last inspection of the school	Link on the school website
Charging and Remissions Policies	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publications, music tuition, trips	Website
School session times and term dates	Details of school session and dates of school terms and holidays	Website
Health and Safety Policy and risk assessment	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy	On paper or electronically on request
Complaints procedure	Statement of procedures for dealing with complaints	Website
Performance Management of Staff	Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures	On paper or electronically on request
Staff Conduct, Discipline and Grievance	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance	On paper or electronically on request

# FREEDOM OF INFORMATION

62

Pay Policy	Statement of the school's policy regarding teachers' pay including procedures for determining teachers' grievances in relation to their pay.	On paper or electronically on request
Curriculum circulars and statutory instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the head teacher or governing body relating to the curriculum	On paper or electronically on request
Admissions policy	Statement of the schools policy on admissions.	Website

## Withholding information

The Freedom of Information Act contains 23 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. The school will only withhold information if it falls within the scope of one or more of these exemptions.

Where an absolute exemption applies, the school can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the school decides that the public interest is best served by withholding the information. Certain exemptions also contain a "prejudice test", which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption.

The school will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption.

The school will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a "public interest" exemption is being considered, the school will only withhold that information which it can demonstrate that the public interest will be best served by withholding. When considering withholding information under a non-absolute exemption the school will take into account whether the release of the information would:

- promote further understanding of current issues of public debate;
- promote the accountability of decisions taken by the school and the spending and allocation of public money;
- bring to light matters of public safety;
- allows the public to understand and challenge decisions made by the School;
- be otherwise in the public interest.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the

information is being withheld. The applicant will also be given details of the right to challenge the decision through the school's governing body and the right of appeal to the Information Commissioner's Office.

Where a staff member plans to apply an exemption, he/she will consider whether other schools hold similar information. If this is considered likely, he/she may contact the relevant school(s) to ensure that a consistent response is provided to the applicant. The school will also refuse to supply information under the FoIA, where the request is considered "vexatious" or "repeated and under the EIR, where the request is considered 'manifestly unreasonable'.

### Releasing a third party's information

Where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, the staff member that received the request will seek input from the FoI officer prior to the release of the information.

The release of third party information will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of the DPA. Both the EIR and FoIA permit information to be withheld when its release would breach the provisions of the DPA.

When the requested information relates to a living individual and amounts to "personal data" as defined in the DPA, its disclosure could breach the DPA. Therefore the release of third party personal information relating to living individuals will be considered in accordance with the data protection principles and, in particular, the "third party" provisions of the DPA.

Where appropriate, the school will contact the individual to ask for permission to disclose the information. If consent is not obtained, either because it was not considered appropriate to approach the third party or the third party could not be contacted or consent is refused. The School will then consider if it is reasonable to disclose the information, taking into account:

- any duty of confidentiality owed to the third party
- the steps taken to seek consent
- whether the third party is able to give consent and
- any express refusal of consent

The decision to disclose third party information will also take into account the impact of disclosure on the third party, relative to the impact on the applicant of withholding the information. Where the third party has been acting in an official, rather than private capacity, the school will be minded to disclose the information, although decisions will be made on a case by case basis.

Where the information relates to a staff member, the provisions of the DPA will still apply in many circumstances but the nature of the information will influence the school's decision whether to release the information. Where the information relates to a matter

clearly private to the individual, e.g. a disciplinary hearing, the information will almost certainly be withheld. However, where the information relates to the member of staff acting in their official capacity, e.g. an expenses claim, the information will normally be released. The exemption relating to the release of a third party's personal data will not be used to withhold information about administrative decisions taken by the school.

As the DPA only relates to living individuals, the exemption relating to data protection under both the EIR and FoIA will not apply to information held about the deceased. Where the request might be controversial, the staff member will seek input from the head or head's PA, who will take advice from the governing body where necessary.

Where the third party is an organisation, rather than an individual, the provisions of DPA 1998 will not apply. The school will consider consulting the third party concerning the release of their information where:

- the views of the third party may assist the school to decide whether an exemption under the act applies to the information and
- in the event of the public interest test being applied, where the views of the third party may assist the school to make a decision relating to where the public interest lies

Consultation will not be undertaken where:

- the school will not be disclosing the information due to some valid reason under the act
- the school is satisfied that no exemption applies to the information and therefore cannot be withheld and
- the views of the third party will have no effect on the decision e.g. where there is other legislation preventing disclosure

Where input from a third party is required, the response time for the request remains the same. Therefore it will be made clear to the third party at the outset that they have a limited time for their views to be provided and that where responses are not immediate, the decision to disclose may have to be made without their input in order for the school to comply with the statutory time limits dictated by the legislation.

The school will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially

## Information held within contracts

Any contractual information, or information obtained from organisations during the tendering process, held by the school are subject to the provisions of the FoIA and EIR. Whenever the school enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording will be included in contracts to cover the impact of FoIA and EIR in relation to the provision of information held in contracts.

The school can withhold contractual information where its disclosure under either the FoIA or EIR could be treated as actionable breach of confidence. Where the school intends to include non-disclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed.

The school will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.

Where information is not covered by the exemption relating to information accepted in confidence, a further exemption specifically under FoIA may be relevant, relating to commercial interests. This exemption is subject to a “public interest” test. Whenever the school has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the school will make the final decision relating to the disclosure of the information.

The school can also withhold information contained in contracts where any of the other exemptions listed in the FoIA or EIR are appropriate, although information will only be withheld in line with the school’s policy on the use of exemptions. All future contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to a FoIA or EIR request.

## Illegal actions

It is a criminal offence under any of the three information regimes for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information request. Both the FoIA and EIR contain specific provisions to make such action a criminal offence.

## Feedback and complaints

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to *the head* at [head.4127@fitzharrys.oxon.sch.uk](mailto:head.4127@fitzharrys.oxon.sch.uk)

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner’s Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

**Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF**

Or

# FREEDOM OF INFORMATION

62

Enquiry/Information Line: 0303 123 1113 (local rate) or 01625 545 745

E Mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Website : <https://ico.org.uk/>