

**Lower Peover C.E Primary School**

**F.O.I Policy**



**LOWER PEOVER**  
CofE Primary School



**MARCH 2019**

## **1. Policy Statement**

1.1 The Freedom of Information Act 2000 came into effect on 30 November 2000 and gives a general right of access to recorded information held by a public authority, including schools, subject to certain exemptions.

1.2 Lower Peover Primary School is committed to complying with the provisions of FOIA.

## **2. Definitions**

2.1 "The School" means Lower Peover Primary School.

2.2 "Appropriate Limit" means the limit set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 as amended from time to time.

2.3 "Fee Notice" means the amount the Requester will need to pay in order for the School to comply with the request for information.

2.4 "FOIA" means the Freedom of Information Act 2000 and amendments.

2.5 "GDPR" means the General Data Protection Regulation, [and the Data Protection Act 2018]

2.6 "Publication Scheme" means a list of information that will be routinely published via the School's website. (Appendix 1)

2.7 "Requester" means the person making a request for information from the School.

2.8 "Social Media" means websites and applications that enable users to create and share content or to participate in social networking including Facebook, LinkedIn, Twitter, Google+, and all other social networking sites, internet postings and blogs. It applies to use of Social Media for School purposes as well as personal use that may affect the School in any way.

## **3. Procedure for making a request for information**

3.1 The School requires requests for information pursuant to the provisions of FOIA to be made in writing. The School considers 'in writing' to mean communications by post, fax and email and on the Academies official Social Media sites.

3.2 Requests for information held by the School should be sent to SCHOOL POSTAL ADDRESS AND EMAIL ADDRESS

3.3 A request for information made to the School should provide the name of the Requester and an address for correspondence and should clearly set out the information being requested from the School.

#### **4. Duty to Assist**

4.1 There may be circumstances where it is unclear to the School what information is being requested or where it appears that the request for information is such that responding will cause the School to exceed to Appropriate Limit.

4.2 In these circumstances the School will seek to provide advice and assistance to the Requester in order to enable the School to provide the requester with the information they are seeking to obtain or inform the requester as to why this is not possible.

#### **5. Time Limit for responding to requests for information**

5.1 The School will seek to respond to a request for information promptly and in any event no later than 20 School days or 60 working days from the date of the request whichever occurs first.

5.2 A School day is any day on which there is a School session. A working day means any other day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday.

5.3 Where a fee is payable for responding to the request, the School will disregard any day between a Fee Notice being sent to the Requester and the correct fee being received by the School when calculating the time limit for responding.

5.4 The School may charge for requests where it incurs costs in photocopying, printing or otherwise reproducing the requested information and/or where the School will incur a significant fee for providing the requested information in the format requested by the Requester. There may also be a charge where the School has issued a Fee Notice and the Requester has agreed to pay the fee as set out in the Fee Notice.

5.5 In the event the School is unable to respond within the periods set out above, the School will write to the Requester advising it will be unable to comply and provide a new time scale for responding to the request.

#### **6. Fees**

6.1 The School will not charge for the provision of information which is requested subject to the provisions of FOIA.

6.2 The School is not obliged to comply with a request for information if the cumulative time spent on locating, retrieving or, if necessary, extracting the information requested is estimated to exceed the Appropriate Limit.

6.3 The School may decide to provide information requested in excess of the Appropriate Limit without charging a fee where it considers it reasonable and within the public interest to do so.

6.4 Where it appears that responding to a request for information will result in the School exceeding the Appropriate Limit and the School does not waive the fee for complying with the request, the School may provide the Requester with a Fee Notice. The School will also inform the Requester as to how it has estimated that the Appropriate Limit will be exceeded, what information it could provide within the Appropriate Limit, and provide the Requester with the opportunity to narrow their request.

6.5 Where the School has issued a Fee Notice and the Requester indicates they are not prepared to pay the fee as set out in the Fee Notice or does not pay the fee as set out in the Fee Notice within three months, the School is not obliged to comply with the original request. The School will however consider any narrowed or amended request.

## **7. Exemptions**

7.1 The right to be provided with information requested may be limited by the application of an exemption. Some exemptions are absolute, and others are qualified. Where an exemption applies to information requested, the School may also be exempt from having to confirm or deny that the information exists as well as from disclosing the requested information.

7.2 Where a qualified exemption applies to information requested from the School, the School will consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7.3 The absolute exemptions most relevant to the School are those that relate to:

- (a) Information accessible by other means (Section 21);
- (b) Personal Information (Section 40);
- (c) Confidential Information (Section 41);
- (d) Prohibitions on Disclosure (Section 44).

7.4 The qualified exemptions most relevant to the School are those that relate to:

- (a) Information intended for future publication (Section 22);
- (b) Prejudice to the Effective Conduct of Public Affairs (Section 36)
- (c) Health and Safety (Section 38)
- (d) Legal Professional Privilege (Section 42)
- (e) Commercial Interests (Section 43).

7.5 Where the School relies on an exemption in not complying with a request for information, the School will write to the Requester setting out the exemption relied on explaining the reason(s) the School considers that the exemption applies to the information requested and, where appropriate, why it has decided that the public interest in withholding the information outweighs the public interest in disclosing it.

## **8. Requests for Personal Data**

8.1 A request by an individual for their own personal data made subject to the provisions of FOIA will be treated as a subject access request.

8.2 A request for the personal data of a third party will be refused where the provision of that information will contravene any of the principles of the GDPR, pursuant to Section 40(2) of FOIA.

8.3 For further detail please refer to the School's Subject Access Request Policy.

## **9. Repeat and Vexatious Requests**

9.1 The School will not comply with a request for information which is considered to be vexatious.

9.2 In determining whether a request is vexatious, the School will consider whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress to the School, staff or governors. The School will also consider the burden on the School and any possible distress to its staff or board of governors in responding to the request, the motive of the Requester and the seriousness of the request.

9.3 The School will also not comply with a request for information which is identical or substantially similar to a previous request made by the Requester unless a reasonable time has elapsed between the current request and the previous request.

9.4 In considering whether a reasonable time has elapsed the School will take into account the time that has passed between the current request and the previous request and likelihood that the information requested will differ significantly from the information provided in the response to the previous request.

## **10. Complaints**

10.1 Appeals against any decision not to supply information which the School considers exempt should be made to The Head Teacher who will review the original decision.

10.2 A complaint about the School's Freedom of Information processes, procedures or how a request for information has been dealt with should be made to The Head Teacher

10.3 If a requester is unhappy with the outcome of their complaint or the way a request for information has been handled can complain to the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 700.

## **11. Monitoring and Review**

11.1 This policy will be reviewed every 2 years or earlier if required and may be subject to change.

## APPENDIX 1

### Freedom of Information Publication Scheme

#### Introduction

The Freedom of Information Act 2000 (FOIA) requires all public authorities (including schools) to adopt and maintain a publication scheme. In 2008 the Information Commissioner's Office (ICO) changed the emphasis in the approval and operation of publication schemes to a generic model, with effect from 1 January 2009.

The model commits a public authority to 'produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public'.

A school will breach the FOIA if it has not adopted the model scheme or is not publishing in accordance with it by this date.

Lower Peover Primary School has adopted the ICO Model Publication Scheme in full, unedited.

The Guide to Information below should be read together with the ICO Model Publication Scheme which can be found at: <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>.

The Data Protection Lead has been assigned the day-to-day responsibility for FOI policy and the provision of advice, guidance, publicity and interpretation of the school's policy.

<b>Information to be published.</b>	<b>How the information can be obtained</b>	<b>Cost</b>
<p><b>Class 1 - Who we are and what we do</b></p> <p>(Organisational information, structures, locations and contacts)</p> <p>This will be current information only</p>	(hard copy and/or website)	
Who's who in the school		
Who's who on the governing body / board of governors and the basis of their appointment		
Instrument of Government / Articles of Association		
Contact details for the Head teacher and for the governing body, via the school (named contacts where possible).		
School prospectus (if any)		

Annual Report (if any)		
Staffing structure		
School session times and term dates		
Address of school and contact details, including email address.		
<p><b>Class 2 – What we spend and how we spend it</b></p> <p>(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>	(hard copy and/or website)	
Annual budget plan and financial statements		
Capital funding		
Financial audit reports		

<p>Details of expenditure items over £2000 – published at least annually but at a more frequent quarterly or six-monthly interval where practical.</p>		
<p>Procurement and contracts the school has entered into, or information relating to / a link to information held by an organisation which has done so on its behalf (for example, a local authority or diocese).</p>		
<p>Pay policy</p>		
<p>Staff allowances and expenses that can be incurred or claimed, with totals paid to individual senior staff members (Senior Leadership Team or equivalent, whose basic actual salary is at least £60,000 per annum) by reference to categories.</p>		
<p>Staffing pay and grading structure. As a minimum the pay information should include salaries for senior staff (Senior Leadership Team or equivalent as above) in bands of £10,000; for more junior posts, by salary range.</p>		
<p>Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors.</p>		

<p><b>Class 3 – What our priorities are and how we are doing</b></p> <p>(Strategies and plans, performance indicators, audits, inspections and reviews)</p> <p>Current information as a minimum</p>	<p>(hard copy or website)</p>	
<p>School profile (if any)</p> <p>And in all cases:</p> <ul style="list-style-type: none"> <li>• Performance data supplied to the English or Welsh Government or to the Northern Ireland Executive, or a direct link to the data</li> <li>• The latest Ofsted / Estyn / Education and Training Inspectorate report <ul style="list-style-type: none"> <li>- Summary</li> <li>- Full report</li> </ul> </li> <li>• Post-inspection action plan</li> </ul>		
<p>Performance management policy and procedures adopted by the governing body.</p>		

Performance data or a direct link to it		
The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status		
Safeguarding and child protection		
<p><b>Class 4 – How we make decisions</b></p> <p>(Decision making processes and records of decisions)</p> <p>Current and previous three years as a minimum</p>	(hard copy or website)	
Admissions policy/decisions (not individual admission decisions) – where applicable		
Agendas and minutes of meetings of the governing body and its committees. (NB this will exclude information that is properly regarded as private to the meetings).		

<p><b>Class 5 – Our policies and procedures</b></p> <p>(Current written protocols, policies and procedures for delivering our services and responsibilities)</p> <p>Current information only.</p> <p>As a minimum these must include policies, procedures and documents that the school is required to have by statute or by its funding agreement or equivalent, or by the Welsh or English government or the Northern Ireland Executive. These will include policies and procedures for handling information requests. In addition, for Wales, this will include a Welsh Language Scheme in accordance with the Welsh Language Act 1993. For Northern Ireland, this will include an equality scheme / statement in accordance with the Northern Ireland Act 1998.</p>	<p>(hard copy or website)</p>	
<p>Records management and personal data policies, including:</p> <ul style="list-style-type: none"> <li>• Information security policies</li> <li>• Records retention, destruction and archive policies</li> <li>• Data protection (including information sharing policies)</li> </ul>		
<p>Charging regimes and policies.</p> <p>This should include details of any statutory charging regimes. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made and how they are calculated.</p>		

<p>If the school charges a fee for re-licensing the use of datasets, it should state in its guide how this is calculated (please see "How to complete the Guide to information").</p>		
<p><b>Class 6 – Lists and Registers</b></p> <p>Currently maintained lists and registers only (this does not include the attendance register).</p>	<p>(hard copy or website; some information may only be available by inspection)</p>	
<p>Curriculum circulars and statutory instruments</p>		
<p>Disclosure logs</p>		
<p>Asset register</p>		
<p>Any information the school is currently legally required to hold in publicly available registers</p>		

<p><b>Class 7 – The services we offer</b></p> <p>(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)</p> <p>Current information only</p>	<p>(hard copy or website; some information may only be available by inspection)</p>	
<p>Extra-curricular activities</p>		
<p>Out of school clubs</p>		
<p>Services for which the school is entitled to recover a fee, together with those fees</p>		
<p>School publications, leaflets, books and newsletters</p>		
<p><b>Additional Information</b></p> <p>This will provide schools with the opportunity to publish information that is not itemised in the lists above</p>		

## SCHEDULE OF CHARGES

**This describes how the charges have been arrived at and should be published as part of the guide.**

<b>TYPE OF CHARGE</b>	<b>DESCRIPTION</b>	<b>BASIS OF CHARGE</b>
<b>Disbursement cost</b>	Photocopying/printing @ ..p per sheet (black & white)	Actual cost *
	Photocopying/printing @ ..p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
<b>Statutory Fee</b>		In accordance with the relevant legislation (quote the actual statute)
<b>Other</b>		

\* the actual cost incurred by the public authority