

Queen's Inclosure Primary School Freedom of Information Act 2000 Policy

Status of the Policy – Statutory

Responsible Committee Buildings and Community

Rational

On 1 January 2005 the Freedom of Information Act 2000 (FOIA) came fully into force. Since that date there has been a legal right for any person to ask a school for access to information that it holds. The aim of the FOIA is to promote a culture of openness and accountability amongst public sector bodies, and therefore improving public understanding of how public authorities (which includes the governing bodies of maintained schools) carry out their duties, why they make the decisions they do and how they spend public money.

The FOIA is overseen by the Information Commissioner (IC) who also has responsibility for The Data Protection Act 1998 (DPA), and The Environmental Information Regulations 2004 (EIR).

Aims and Objectives

This policy has been devised to ensure that Queen's Inclosure complies with its obligations under the FOIA 2000, as schools are under a duty to provide advice and assistance to anyone requesting information.

The DPA enables individuals to access information about themselves, the EIR enables people to access environmental information and the FOIA enables people to access all other information and the reasoning behind decisions and policies that do not fall under either the DPA or EIR.

It is important that all staff and volunteers read and understand the policy carefully as the school is required to comply with the Act at all times.

This policy applies to all employees and volunteers whatever their employment status.

Roles and Responsibilities

Head Teacher

- Ensure all staff and volunteers read and understand this policy.
- Have day to day responsibility for the FOIA policy.
- Delegate an individual as being the single point of contact to coordinate all FOI requests.

All Staff

- Read and understand the policy.
- Abide by the policy at all times.

Governors

- Agree the FOIA policy.
- Delegate day to day responsibility for the FOIA policy to the head teacher, together with the provision of advice, guidance, publicity and interpretation of the school's policy.
- Monitor and evaluate effectiveness of policy.
- Timely review of FOI requests and reasons for any refusals.
- Review policy annually.

Policy

1. Schools Obligations under FOIA

Schools are under a duty to provide advice and assistance to anyone requesting information under the Freedom of Information Act 2000 (FOIA).

Queen's Inclosure Primary School

Freedom of Information Act 2000 Policy

Any person making an enquiry under the FOIA is entitled to be told whether the school holds the information (the duty to confirm or deny) except where certain exemptions apply.

There are prescribed time limits for responding to requests for information. Requests should be dealt with within 20 days excluding school holidays.

It is essential that records and management information systems are well maintained and managed to ensure that obligations under the Act are met.

Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence. A valid FOI request should be in writing, state the enquirer's name and correspondence address and describe the information requested.

Any expressions of dissatisfaction should be handled through the schools existing complaints procedure.

2. Approach to FOIA Requests

All FOI requests must be:

- made in writing. This can be electronically eg, email, fax;
- state the name of the applicant and an address for correspondence; and
- describe the information requested.

All FOI requests should be sent to adminoffice@queensinclosure.hants.sch.uk or to Admin Office, Queen's Inclosure Primary School, Cornelius Drive, Waterlooville, Hampshire, PO7 8NT.

The School will assist applicants in making their request to access information held by the school. Assistance will be given to applicants whose requests need to be transferred to another public authority (LEA, Hospital). The school will exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.

The school will supply data requested within 20 working days (or in line with the Information Commissioner's current policy during school holidays), subject to any exemptions that may apply, and the estimated cost of complying with the request falling within the current defined charge limit. All requests for information should still be dealt with in compliance with the 20 day deadline, whether they are recorded as Freedom of Information requests or not.

3. Applying Exemptions

The FOIA provides a series of exemptions for not complying with a valid request for information under the FOIA. These include the following situations;

- The information is not held;
- The £450 cost threshold is reached;
- The request is considered vexatious or repeated;
- One or more of the exemptions apply;

Some exemptions are absolute and some are qualified, in that they can be overridden by the public interest test. In practice there are very few which are likely to be applied by the education sector.

The decision to apply absolute exemptions should not be taken by individual members of staff but should be made by a constituted group of at least three of the following: Chair of Governors, other governors, Head teacher, Assistant Head teacher.

Even if the group decides information should not be disclosed, a public interest test should be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must be disclosed.

Queen's Inclosure Primary School

Freedom of Information Act 2000 Policy

When applying the "Public Interest Test", the public body has to decide whether the public interest in withholding the exempt information outweighs the public interest in releasing it, by considering the circumstances of each particular case and the exemption that covers the information. The balance will lie in favour of disclosure, in that information may be withheld only if the public interest in withholding it is greater than the public interest in releasing it.

More information about the "Public Interest Test" can be found at the following website - http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/awareness_guidance_3_public_interest_test.pdf

A full list of exemptions can be found at the Information Commissioner's website:

http://www.ico.gov.uk/what_we_cover/freedom_of_information.aspx

4. Logging Requests Received

The school should keep a record of all requests received for monitoring purposes noting;

- a) the date the request was received
- b) name and contact details of the person or organisation making the request
- c) the date the request was fulfilled or refused
- d) the reason for any exemption being applied
- e) the reason for any failure to meet the 20 day deadline

5. Charging

In cases where the appropriate threshold (currently £450.00) has not been exceeded, the maximum fee to be charged will be based on the school's estimate of the costs that it reasonably expects to incur in:

- informing the person making the request whether it holds the information; and
- communicating the information to the person making the request.

This includes the cost of paper when photocopying or printing the information and printing the covering letter, as well as the cost of postage.

The school will not charge for the time taken to locate, retrieve or extract the information or to write a covering letter to the requester explaining that the information is being provided.

Where the school intends to charge a fee for complying with an FOI request, the school will give the person requesting the information notice in writing (the "fees notice"), stating what that fee will be. Where a "fees notice" has been given to the person making the FOI request, the school will not need to comply with the request unless the fee is paid within three months of the notice being received.

6. Links with other Policies

Confidentiality Policy
Complaints Policy
Charging Policy

7. Further Information

More information on the FOIA can be found on the following websites:

Queen's Inclosure Primary School Freedom of Information Act 2000 Policy

Information Commissioner's website

www.informationcommissioner.gov.uk

Department for Constitutional Affairs website

www.dca.gov.uk/foi/index.htm

DfCSF – Governornet website

www.governornet.co.uk

DfCSF – Teachernet website

www.teachernet.gov.uk

Approved by the Governing Body on 29th June 2009.

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