

## Contents

<u>Purpose</u> .....	2
<u>Scope</u> .....	2
<u>1.0 Introduction</u> .....	2
<u>2.0 Legislation, Guidance and Background</u> .....	2
<u>3.0 Definitions</u> .....	3
<u>4.0 Roles and Responsibilities</u> .....	4
<u>5.0 Responding to information requests</u> .....	5
<u>6.0 Related Policies, Procedures and Guidance</u> .....	6
<u>7.0 Review and Revision</u> .....	6

## 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

Our 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. Further details of our School's Publication Scheme can be found on the [website](#).

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.

The 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
<b>Recorded Information</b>	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.
<b>Internal Review Panel</b>	Panel comprised of Governors who review FOIA responses when the requester is dissatisfied with the initial response.
<b>Qualified Person</b>	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.
<b>Exemption / Exception</b>	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
<b>Absolute Exemption</b>	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.
<b>Qualified Exemption</b>	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.
<b>Public Interest Test / Assessment</b>	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 Helen Webb.

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](mailto: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 from igschools at Herefordshire Council. 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
  - Freedom of Information & Environmental Information Request Handling Procedure
  - Internal Review Procedure

## 7.0 Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years.

This policy was ratified by the Personnel Committee in March 2021.

It will be reviewed in March 2023

Headteacher

Date:

Chair of Personnel Committee

Date:

Date of next review: March 2023