



## Freedom of Information Act 2000 School Policy

### Explanatory Notes

Governing bodies are responsible for ensuring that schools comply with the Freedom of Information Act 2000 (FoIA). Some aspects, such as charging are at the discretion of the governing body.

1. Introduction
2. Background
3. Scope
4. Obligations and Duties
5. Publication Scheme
6. Dealing with Requests
7. Exemptions
8. Public Interest Test
9. Charging
10. Complaints

### Available from school:

Procedure for Dealing with Requests  
Exemptions  
Applying the Public Interest Test  
Charging

### 1. Introduction

Lowbrook Academy is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

### 2. Background

The Freedom of Information Act 2000 (FoI) came fully into force on January 1 2005. Under the Act, any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds the information, and to receive a copy, subject to certain exemptions.

The information which the school routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information. The Act is fully retrospective, so that any past records which the school holds are covered by the Act. The DfES has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide schools on how long they should keep school records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed. Requests under FoI can be addressed to anyone in the school; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the



Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an FoI enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

For further information and guidance, see the DfE "Freedom of Information Act 2000 – A Guide for Academies on Full Implementation from January 2005.

### **3. Scope**

The FoI Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the school.

Requests for personal data are still covered by the Data Protection Act. (DPA). Individuals can request to see what information the school holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety. For example queries about chemicals used in the school or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FoIA, but unlike FoIA requests, they do not need to be written and can be verbal.

If any element of a request to the school includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FoIA, and must be dealt with accordingly.

### **4. Obligations and Duties**

The school recognises its duty to provide advice and assistance to anyone requesting information.

- We will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.
- tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold.

### **5. Publication Scheme**

Lowbrook Academy has adopted the Model Publication Scheme for Schools approved by the Information Commissioner available at [ico.org.uk](http://ico.org.uk) and in Appendix 1 of this policy.

### **6. Dealing with Requests**

We will respond to all requests in accordance with best practice.

### **7. Exemptions**

Certain information is subject to either absolute or qualified exemptions. When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if



public interest in applying the exemption outweighs the public interest in disclosing the information. We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

## **8. Public Interest Test**

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

## **9. Charging**

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450

## **10. Complaints**

Any comments or complaints will be dealt with through the school's normal complaints procedure. We will aim to determine all complaints within 10 days of receipt. We will publish information on our success rate in meeting this target. The school will maintain records of all complaints and their outcome. If on investigation the school's original decision is upheld, then the school has a duty to inform the complainant of their right to appeal to the Information Commissioner's office. Appeals should be made in writing to the Information Commissioner's office.

They can be contacted at:

FOI/EIR Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## **Monitoring of the Policy**

The Senior Leadership Team of the school will monitor individual incident reports and the behaviour throughout the school to assess the effectiveness of the policy.

## **Evaluation and Review**

The policy will be reviewed annually by the Principal, SLT and Governors or on any occasion when the policy has proved to be ineffective.

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Signed:

Chair of Governors

Signed:

Principal



## Appendix 1

### ICO Model Publication Scheme



#### **Model publication scheme**

#### **Freedom of Information Act**

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 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

### Guide to the Information available from Lowbrook Academy under the Model Publication Scheme

Information to be published	How the information can be obtained	Cost
<p><b>Class 1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts)</p> <p>This will be current information only</p>	Web	
Who's who in the school	Web	
Who's who on the governing body and the basis of their appointment	Web	
Contact details for the Head teacher and for the governing body (named contacts where possible with telephone number and email address (if used))	Web	
School session times and term dates	Web	
<p><b>Class 2 – What we spend and how we spend it</b> (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	Hard copy	
Capitalised funding	Hard copy	
Additional funding	Hard copy	
Procurement and projects	Hard copy	
Pay policy	Hard copy	
Staffing and grading structure	Hard copy	



<p><b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)</p> <p>Current information as a minimum</p>	Web	
<p>School profile</p> <ul style="list-style-type: none"> <li>• Government supplied performance data</li> <li>• The latest Ofsted report <ul style="list-style-type: none"> <li>- Summary</li> <li>- Full report</li> </ul> </li> </ul>	Web	
Teacher appraisal and capability procedures	Hard copy	
Schools future plans	Web	
<p><b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)</p> <p>Current and previous three years as a minimum</p>	Hard copy or website	
Admissions policy and data	Web	
Agendas of meetings of the governing body and (if held) its sub-committees	Hard copy	
Minutes of meetings (as above) – NB this will exclude information that is properly regarded as private to the meetings.	Hard copy	
<p><b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities)</p> <p>Current information only</p>	Hard copy or website	





<p>School policies including:</p> <ul style="list-style-type: none"> <li>• Charging and remissions policy</li> <li>• Health and Safety</li> <li>• Complaints procedure</li> <li>• Equality Act statement</li> </ul>	Web	
<p>Student and curriculum policies, including:</p> <ul style="list-style-type: none"> <li>• Home-school agreement</li> <li>• Curriculum</li> <li>• Sex education</li> <li>• Special educational needs</li> <li>• Collective worship</li> <li>• Careers education</li> <li>• Student discipline</li> </ul>	Web	
<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>	Web Web Web	
<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>	Web	
<p><b>Class 6 – Lists and Registers</b></p> <p>Currently maintained lists and registers only</p>	(hard copy or website; some information may only be available by inspection)	



<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)  Current information only	(hard copy or website; some information may only be available by inspection)	
Extra-curricular activities	Web	
Out of school clubs	Web	
School publications	Web	
Services for which the school is entitled to recover a fee, together with those fees	Web	
Leaflets books and newsletters	Web/Hard copy	

**Contact details:**

**School Business Manager, Lowbrook Academy, The Fairway, Cox Green, Maidenhead, Berkshire, SL6 3AR**

**SCHEDULE OF CHARGES**

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

Single copies of information covered by this publication are provided free if marked as “Hard Copy” and postal charges at the time will apply. We expect items marked “Web” to be downloaded by yourselves.

<b>TYPE OF CHARGE</b>	<b>DESCRIPTION</b>	<b>BASIS OF CHARGE</b>
<b>Disbursement cost</b>	Photocopying/printing @ 4p per sheet (black & white)	Actual cost *
	Photocopying/printing @ 8pper sheet (colour)	Actual cost *
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
		* the actual cost incurred by the public authority