

An *Active Learning* Trust Academy



# Freedom of Information Act Policy

## **1. Purpose**

Kingsfield Primary School is committed to the Freedom of Information Act 2000 which came into force on 1 January 2005 and which comes to include Academies by the Academies Act 2010, with effect from 1 January 2011. The School is committed to the principles of accountability and the general right of access to information, subject to legal exemptions. The policy outlines our framework for managing requests.

Under the Freedom of Information Act 2000, 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 includes information available on the School website. Requests for other information are dealt with in accordance with 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 School has a Retention Schedule based on the schedule recommended by the Records Management Society of Great Britain, which guides the School as to how long it should keep 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 the Act can be addressed to anyone employed by the School. However all responses are to be cleared with the Headteacher prior to despatch. Staff need to be aware of the process for dealing with requests. Requests must be made in writing, (which can include 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 enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

## **2. Scope**

The Headteacher is responsible for ensuring compliance with School Policies and Procedures. This procedure applies to all School staff.

Requests for personal data are still covered by the Data Protection Act. 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. Requests under EIR are dealt with in the same way as those under FoIA, but they do not need to be written and can be verbal.

### **3. Associated Documents**

Complaints Procedure Retention Schedule -Records Management Society of Great Britain

### **4. Abbreviations and Definitions**

FoIA – Freedom of Information Act 2000 EIR – Environmental Information Regulations

### **5. Procedure**

The Local Governing Body recognises the 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.

The Local Governing Body recognises the duty to 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 in accordance with the procedures under Appendix 1.

### **6. How to Request Information**

If a paper version of any of the documents within the Scheme is required, the School may be contacted by telephone, email, fax or letter. Contact details are below: Email: [office@kingsfield.cambs.sch.uk](mailto:office@kingsfield.cambs.sch.uk) Telephone: 01354 692323 Fax: 01354 696527 Address: Kingsfield Primary School, Burnsfield Street, Chatteris, Cambs PE16 6ET. Or the website: [www.kingsfieldprimary.co.uk](http://www.kingsfieldprimary.co.uk) may be visited. For a request to be processed quickly, correspondence should be clearly marked: “PUBLICATION SCHEME REQUEST” .

If the information is not available via the scheme and is not on the website, it may still be requested from the School.

### **7. Response to a Request for Information**

The full procedure for handling requests for information is set out in the two process maps in Appendix 1

The enquirer is entitled to be told whether the School holds the information and if so, whether they may have access to it. For non-routine enquiries the headmaster's advice should be sought before responding. Access can include providing extracts of a document or a summary of the information sought, or access to the original

document. However, the Act recognises the need to preserve confidentiality of sensitive information in some circumstances and sets out a number of exemptions. There will be only four reasons for a refusal to a request:

- a. The information is not held.
- b. The cost threshold of £450 is reached.
- c. The request is considered vexatious or repeated.
- d. One or more of the exemptions apply (see Appendix 2).

NB. One of the main exemptions refers to documents that are published or are due to be published.

Charging. The Local Governing Body will charge a fee where necessary; the fee will be notified to the enquirer before the information is supplied. The amount charged will be calculated in accordance with current DfE guidance.

All requests will be met within the statutory time limit of 60 working days. Where further information is requested to enable the enquiry to be answered, the 60 day time limit begins from the time that the request for further information is received. If the information is not to be provided, the Company Secretary will send a notice of refusal which will contain:

- a) The fact that the school cannot provide the information.
- b) Which exemptions apply.
- c) Why the exemptions apply in this case.
- d) Reasons for refusal if on the grounds of the cost of compliance.
- e) Reasons for refusal on vexatious or repeated grounds.
- f) The internal complaints procedure.

## 8. Classes of Information Currently Published

Who We Are and What We Do

Class	Description
School Prospectus	<p>The content of the School Prospectus are as follows:</p> <ul style="list-style-type: none"> <li>• The name, address and telephone number of the School and the type of school.</li> <li>• The name of the Headteacher, Chair of Governors and members of the Local Governing Body.</li> <li>• Information on the school's policy on Admissions.</li> <li>• A statement of the school's ethos and values.</li> <li>• Data Dashboard</li> <li>• The arrangements for visits to the school by prospective parents.</li> </ul>

Scheme Delegation	of	<ul style="list-style-type: none"> <li>• The details of the Trust</li> <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 anybody entitled to appoint any category of Governor.</li> <li>• The date which the Scheme takes effect.</li> </ul>
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### What We Spend and How We Spend It

Class	Description
Annual Budget Plan and Financial Statements	Details of the School's budget distributed by the Trust on behalf of the Education Funding Agency and the school's annual income and expenditure returns
Capital Funding	Details of the capital funding allocated to the school together with information on related building projects and other capital projects.
Additional Funding	Income generation schemes and other sources of funding.
Procurement and contracts	Details of procedures used for the acquisition of goods and services. Details of contracts that have gone through a formal tendering process.
Pay Policy	The statement of the school's policy and procedures regarding teachers pay.
Governors Allowances	Details of allowances and expenses that can be claimed.

### What our Priorities are and How we are Doing

Class	Description
Performance Management Information	Performance Management Policy and procedures adopted by the Local Governing Body

### How We Make Decisions

Class	Description
Admissions Policy	The school's admission arrangements and procedures.

Minutes of the Meetings of the Local Governing Body and its Committees	Agreed minutes of meetings of the Local Governing Body and its Committees (current and last full academic school year)/
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### **Our Policies and Procedures**

<b>Class</b>	<b>Description</b>
School policies	The will include school policies and procedures together with other information related to the school such as Charging and Remissions policy, Health and Safety and Risk Assessment, Complaints Procedure, Special Educational Needs, Staff Conduct policy, Discipline and Grievance policies, Pay Policy.
Pupil and curriculum policies	This will include policies such as Home-School Agreement, Curriculum, Sex Education, Special Educational Needs, Accessibility, Equality, Collective Worship and pupil discipline.
Equality and Diversity	This will also include policies, schemes produces and guidelines relating to equality.
Policies and procedures for the recruitment of staff	If vacancies are advertised as part of the recruitment process, details of current vacancies will be readily available.
Charging regimes and lettings	This refers to the Charging policy and Lettings policy.
Curriculum circulars and statutory instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department for Education to the Headteacher of Chair of Governors relating to the curriculum.

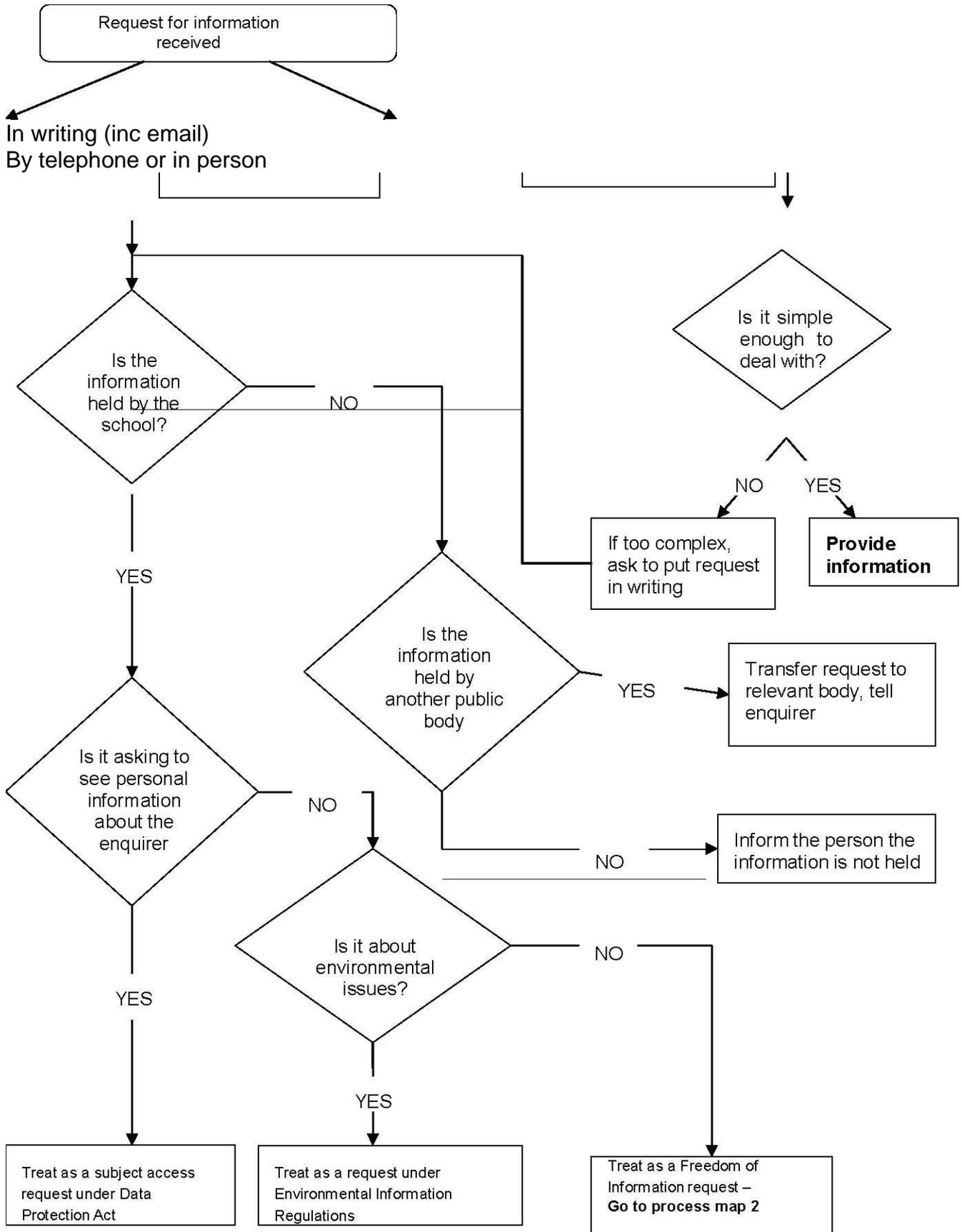
### **9. Feedback and Comments**

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:  
Mrs J. Tomlins Headteacher, Kingsfield Primary School, Burnsfield Street, Chatteris, Cambs PE16 6ET

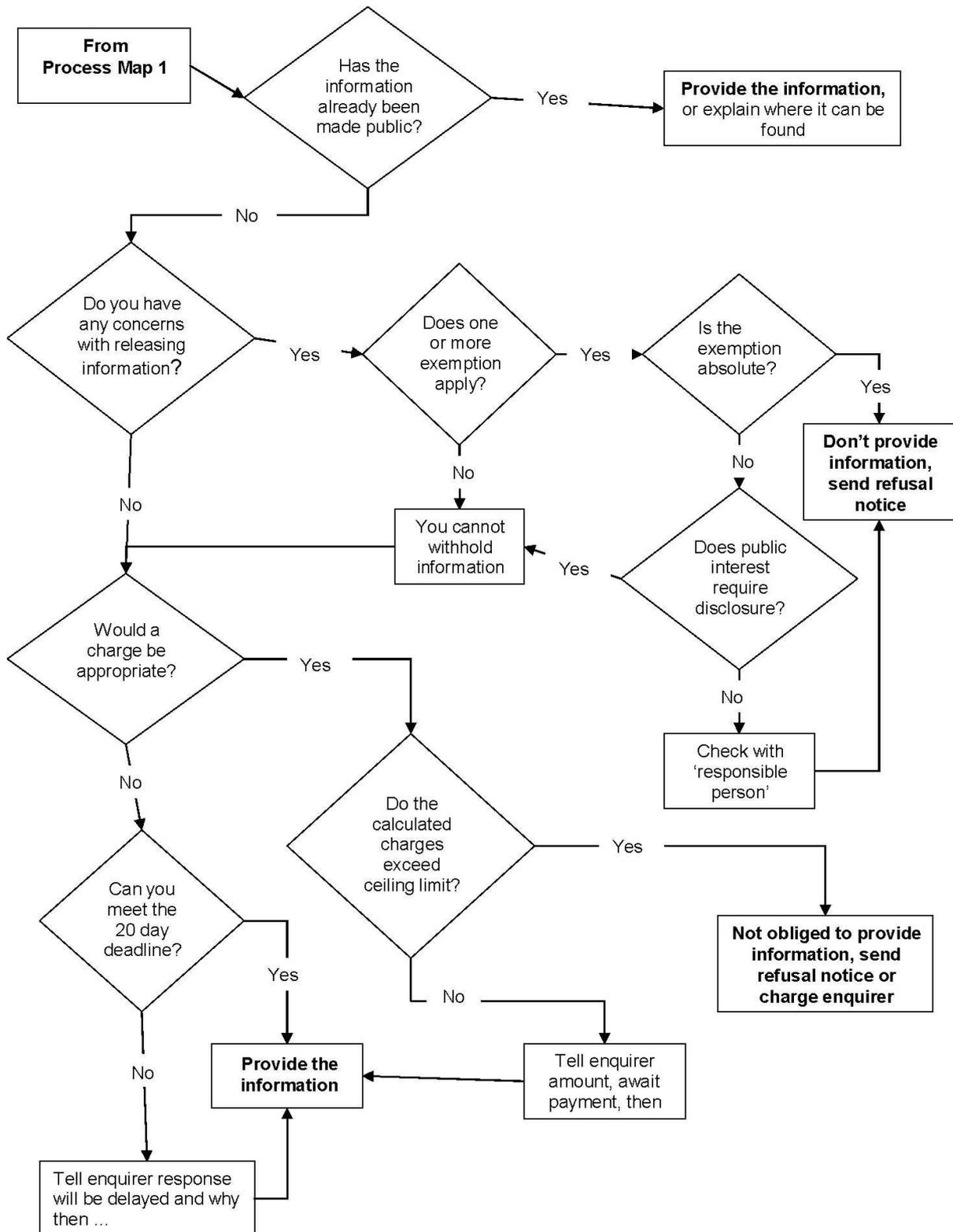
If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom 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 Enquiry/Information Line: 01625 545700

# Appendix 1 PROCESS MAP 1 FOR RECEIVING REQUESTS FOR INFORMATION



## PROCESS MAP 2 FOR HANDLING FOI ENQUIRIES



## EXEMPTIONS TO RELEASE OF INFORMATION

1. Although decisions on disclosure should be made on a presumption of openness, the FOI Act recognises the need to preserve confidentiality and protect sensitive material in some circumstances.
2. Information may not be withheld in response to a valid request UNLESS one of the following applies:
  - a) an exemption to disclosure, or
  - b) the information sought is not held, or
  - c) the request is considered vexatious or repeated or
  - d) the cost of compliance exceeds the threshold (see main body Sub-paragraph 5b.)

## THE DUTY TO CONFIRM OR DENY

A person applying for information has the right to be told if the information requested is held by the school, and if that is the case to have the information sent (subject to any of the exemptions). This obligation is known as the school's "duty to confirm or deny" that it holds the information. However, the school does not have to confirm or deny if:

- a) the exemption is an absolute exemption (see Paragraph 7), or
- b) in the case of qualified exemptions (see Paragraph 8), confirming or denying would itself disclose exempted information.

## EXEMPTIONS

A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. Some are very specialised in their application (such as national security) and would not usually be relevant to schools. There are more than 20 exemptions but schools are likely to use only a few of them.

Categories of Exemption. There are two general categories of exemptions:

- a) Absolute. Where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest.
- b) Qualified. Where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

Absolute Exemptions. There are 8 absolute exemptions listed in the Act. Even where an absolute exemption applies:

- a) It does not mean that you can't disclose in all cases; it means that disclosure is not required by the Act. A decision could be taken to ignore the exemption and release the information taking into account all the facts of the case.
- b) There is still a legal obligation to provide reasonable advice and assistance to the enquirer.

Qualified Exemptions. With qualified exemptions, even if it is decided that an exemption applies, there is a duty to consider the public interest in confirming or denying that the information exists and in disclosing information.

## **PROTECTIVE MARKINGS AND APPLYING EXEMPTIONS**

When considering if an exemption to disclosure should apply, it should be born in mind that the presence of a protective marking (Restricted, Confidential or Secret, with or without descriptors such as Staff, Management, Commercial etc) does not constitute an exemption and is not in itself sufficient grounds on which to prevent disclosure. Each case must be considered on its merits.

## **TIMING**

Where information has previously been withheld, it must not be assumed that any subsequent requests for the same information will also be refused. Sensitivity of information decreases with age and the impact of any disclosure will be different depending on when the request is received. Therefore, for each request, it will be necessary to consider the harm that could result at the time of the request and, while taking into account any previous exemption applications, each case should be considered separately.

## **NEXT STEPS**

In all cases, before writing to the enquirer, the person given responsibility for FOI by the Local Governing Body will need to ensure that the case has been properly considered, and that the reasons for refusal, or public interest test refusal, are sound.

## **COMPLAINTS PROCEDURE**

Any written expression of dissatisfaction should be handled through the School's existing complaints procedures. All complaints should be determined within 20 working days of receipt.

When the outcome upholds the School's original decision, the applicant should be informed of their right to appeal to the Information Commissioner. The appeal should be made in writing to: FOI Compliance Team (complaints)  
Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

## **RECORDING**

The School will maintain a record of refusals and reasons for refusals will be kept by the Company Secretary, who will ensure that the Local Governing Body can review its access policy on an annual basis. These records must be retained for 5 years.

The Company Secretary will also maintain a record of all complaints and their outcome

This Policy was ratified on:

Signed:  
On behalf of the Local Governing Body

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Headteacher

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Chair of Governors