



## Queen's Inclosure Primary School Freedom of Information Policy

**Status of the Policy:** Statutory

**Responsible Committee:** Full Governing Body

### Rationale

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 member of the public 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, thus improving public understanding of how public authorities (including 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 2018 (DPA), General Data Protection Regulations (2018) and The Environmental Information Regulations 2004 (EIR). The DPA enables the public to access personal information about themselves; the EIR enables the public to access environmental information; the FOIA enables the public to access all other information and the reasoning behind decisions and policies that do not fall under either the DPA or EIR.

### Aim

This policy aims to ensure that Queen's Inclosure Primary School complies with its obligations under the FOIA 2000; all public authorities, including schools, are required to provide advice and assistance to members of the public requesting information.

Its scope does not include requests for access to personal data. In these circumstances, please refer to the *Data Protection Policy*.

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

### Objectives

To ensure compliance, all school staff and governors will be aware of and fulfil their responsibilities as outlined in this policy:

### Head Teacher

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

### All Staff

- Read and be familiar with the policy.
- Abide by the policy at all times.

### Governors

- Agree and review the FOIA policy every three years.
- 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 the policy.
- Timely review of FOI requests and reasons for any refusals.

### Links with other Policies

Charging Policy  
Complaints Policy

Confidentiality Policy  
Data Protection Policy

## Policy

### 1. Our Obligations under FOIA

The school is required to provide advice and assistance to members of the public requesting information under the Freedom of Information Act 2000 (FOIA).

The school is required to publicise the fact that the public can make freedom of information requests, through the website and other widely-accessed means, and set out how to do this.

It must produce and maintain a publication scheme, setting out its high-level commitment to proactively publish information. This must specify what information the school will make routinely available, how it will make it available and any charges. (Charges must be justified, transparent and kept to a minimum.)

When responding to FOI requests, the school is required:

- i. to tell the applicant whether it holds any information falling within the scope of their request, to confirm or deny, unless this would in itself reveal information that falls under an exemption
- ii. to provide that information, unless there is a very good reason to refuse or the request falls within the exemptions listed in the Act

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

The school must also make staff, volunteers, contractors, and any other persons that it has contact with aware of how the Act may affect them – namely that it cannot guarantee complete confidentiality of information. As a public body, the school must consider for release any information it holds, if requested. However, exemptions exist to protect the disclosure of information which would be harmful to another person or which would breach the Data Protection Act.

Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.

### 2. Approach to FOI Requests

All FOI requests must be:

- made in writing (letter, email, fax)
- state the name of the applicant and an address for correspondence
- describe the information requested

All FOI requests should be sent to [adminoffice@queensinclosure.hants.sch.uk](mailto: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. Equally, assistance will also be given to applicants whose requests need to be transferred to another public authority (e.g. LEA, hospital). The school will exercise its duty to confirm or deny the existence of requested information, subject to any exemptions that may apply.

The school will supply the information requested within 20 working days (or in line with the Information Commissioner's current policy during school holidays), notwithstanding any exemptions that may apply. This is subject to payment of any fees – see 'Charging'. All requests for information should be dealt with in compliance with the 20 day deadline, whether they are recorded as Freedom of Information requests or not.

The information will be sent in whatever form is most reasonable, meeting any specific request by the applicant wherever possible.

Any expressions of dissatisfaction should be handled through the school's Complaints Procedure.

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

### 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 (PIT). In practice, there are very few which are likely to be applied by the education sector. In some cases, even confirming that information is or is not held may be sensitive or damaging. In these cases, a 'neither confirm nor deny' (NCND) response may be appropriate and it would be necessary to issue a refusal notice to the requester.

The decision to apply exemptions or to issue a NCND response 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. A PIT should be carried out by the group when considering the individual circumstances of a case and any qualified exemptions, to decide whether the public interest in releasing the requested information outweighs the objection to disclosure. The balance lies in favour of disclosure; the Act requires public authorities to disclose information unless there is good reason not to. *This does not apply in cases where the exemption is absolute.*

### 4. Record Keeping

A record of all FOI requests should be maintained for monitoring purposes, clearly 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, photocopying, printing and postage. Specific charges for information made routinely available should be detailed in the school's Publication Scheme.

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. Further Information**

Further information regarding the FIOA, the issues referred to in this policy and the application of exemptions can be found on the Information Commissioner’s website:

<http://www.ico.org.uk>

### **Review Period**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 3 years. The policy review will be undertaken by the Headteacher, or nominated representative.

**Review Date:** February 2025