



WEST RISE

WEST RISE JUNIOR SCHOOL

POLICY: Freedom of Information

Date of Policy: October 2016

Ratified by Governors: 2nd October 2018
18th March 2021

Signed:

Review Date: March 2023

At West Rise Junior School we inspire and empower independent and creative learners who will continue to enrich their lives and those of others within a culture of high achievement and mutual respect

At West Rise Junior School we aim to identify and support all pupils following guidance laid out in the East Sussex Dyslexia Policy.

Rationale

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including all maintained schools, should be clear and proactive about the information they will make public.

To do this we must produce a policy, setting out:

- *The classes of information which we publish or intend to publish;*
- *The manner in which the information will be published; and*
- *Whether the information is available free of charge or on payment.*

The policy covers information already published and information which is to be published in the future.

Some information which we hold may not be made public, for example personal information.

Background

1.1 The Freedom of Information Act 2000 (FOIA) came fully into force on the 1st January 2005.

The FOIA gives a right of public access to information held by public authorities. It is a legal right for any person(s) to ask for access to information held by the school.

1.2 Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.

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

(EIRs). The DPA enables individuals to access information about themselves. The EIRs enable people to access environmental information. The FOIA enables people to access all other information and reasoning behind decisions and policies, which do not fall under DPA or EIR.

1.4 The FOIA seeks to promote a culture of openness and accountability amongst public sector bodies, and therefore improve public understanding of how public bodies (which includes the governing bodies of schools) carry out their duties, why they make the decisions they do, and how they spend public money.

1.5 The Governing Body welcomes this culture of openness and accountability and is committed to providing freedom of information. This policy sets out the school's response to the FOIA, and the ways in which the requirements of the Act will be enacted by the school on a day to day basis.

1.6 The Co-ordinator is Sue Poore

Information Held by the School

In general, the information held by the school is already accessible, but within a framework which respects the confidentiality of some of that information, in particular with regard to individual children, school staff and governors or regarding any court orders (such information being subject to the Data Protection Act).

The publication scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as 'classes'. These are contained in Appendix A.

The classes of information that we undertake to make available are organised into four broad topic areas:

- ***School Prospectus*** – information published in the school prospectus.
- ***School Profile and other information relating to the governing body*** – information published in the School Profile and in other governing body documents.
- ***Pupils & Curriculum*** – information about policies that relate to pupils and the school curriculum.
- ***School Policies and other information related to the school*** - information about policies that relate to the school in general.

Requests for Information

Any request for information beyond that which is already provided by the school (for example, through the Prospectus and Annual Report, or information about children to which parents already have access) should be made in writing (this includes email).

Contact details are set out below **or you can visit our website at www.westrisejunior.co.uk**

Email: office@westrise-jun.e-sussex.sch.uk

Tel: 01323 764037

Fax:01323 764575

Contact Address: **West Rise Junior School, Chaffinch Road, Eastbourne, East Sussex, BN23 7SL**

Section 8 of the FOIA states any request should state the applicants name and address for correspondence and describe details of the information being requested. If a request is very general, the school may contact the enquirer for clarification of the request.

The person making the request for information can also indicate how they would like to receive the information and where possible the school will try to comply with those wishes. If it is not possible to do so, the school will notify the enquirer and offer an alternative.

Any member of staff may be approached for information beyond which may be regarded as 'normal information'. In this context, 'normal' means the kind of information that teachers and other members of school staff feel confident about giving, as opposed to requests for information which may seem of an intrusive or sensitive nature. If a member of staff receives such a request, they should avoid giving an immediate response and refer the request in the first instance to the Co-ordinator. Depending upon the nature of the request, the Co-ordinator (after discussion with the Headteacher) may then either sanction a response or refer the request to the relevant person(s) or governing body.

Under the FOIA the enquirer is entitled to be told whether the school holds the information (the duty to confirm or deny) except where certain exemptions apply.

The Co-ordinator is responsible for ensuring that all members of staff are familiar with this policy and the procedures to be adopted in responding to requests for information under the FOIA.

Responding to Requests for Information

Any requests are to be passed to the Co-ordinator who will then pass the request on to the relevant person(s) or the Governing Body. A Committee of the Governing Body, led by a named governor, will manage access to information and will give due consideration to any request received. The named Governor for 2014 2015 is _____, who will convene the Committee to include three members of the Governing Body at such times as are necessary.

The relevant person(s) or Committee will meet to consider any requests received and keep records of their deliberations and outcomes. The potential outcomes are:

- Agreement to meet the request in full
- Agreement to meet the request in part (with reasons)
- Refusal to meet the request (with reasons)

The relevant person(s)/Committee will respond to the enquirer within 20 school days (i.e. Excluding weekends and school holidays) of the request being made. (Note: The 20 day time Limit starts the day after we have received the request. The period from the day the fees notice is issued, if applicable, to the day the fee is received does not count towards the 20 working day limit for response).

The response to the request in some circumstances may take longer than 20 days. If a request is delayed for any reason (if further information is required/in order to identify and locate the information requested), the Committee will keep the enquirer informed of the progress and where possible provide an expected date for a response.

Under Section 36 of the FOIA 2000, certain information is exempt from disclosure where it is deemed that disclosure is likely to:

- prejudice collective Cabinet responsibility
- inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation
- prejudice the effective conduct of public affairs

The application of Section 36 needs to be approved by a qualified person, which in this case is the Chair of the Governing Body, who will give their reasonable opinion that disclosure would or would not be likely to cause the types of prejudice or inhibition listed above. [Note: further guidance on this exemption can be found at www.ico.gov.uk].

The Act states that requests should not be allowed to cause a drain on the schools time, energy and finances to the extent that they negatively affect our normal public functions (in excess of 3.5 days). The Committee of the Governing Body can reserve the right to refuse a request if it is likely to be in excess of 3.5 days to find, sort and edit the information requested. Under these circumstances the Committee will provide an opportunity for the request to be refined.

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

Any expressions of dissatisfaction with the information provided or the decision to refuse to supply information by the Appeals Committee should then be addressed to the Information Commissioner's Office (ICO).

Vexatious Requests

Under section 14 of the FOIA if the Committee receives several requests from the same person, or a series of requests that the Committee thinks are intended to disrupt its work, these may be treated as repeated or vexatious. In this case the Committee may refuse to provide the information requested but would issue a refusal notice within 20 school days from receipt of the request to the enquirer to explain the decision and reasons for withholding the information (Note: this must include information regarding the appeals process).

Appeals

Upon notification of a refusal to meet the request (either in part or in whole), the party making the request for information may appeal the decision. Any such appeal will be considered by the appeals committee consisting of three Governors convened by the Chair of Governors who have not taken part in the original committee proceedings.

The Appeals Committee will meet in a timely manner such that it can respond to the enquirer within 20 school days of the request being made.

If the enquirer is still not satisfied with the outcome they can commence the complaints process to the ICO. The complaint should be submitted within 6 months of the outcome of the internal review. The enquirer must provide supporting information and evidence along with the completed complaints form. This can be done via email to casework@ico.gsi.gov.uk or by post to:

First contact team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Use of Information Provided

The Freedom of Information Act allows access to information, but it does not give the enquirer permission to re-use that information for commercial gain. Therefore, the enquirer may reproduce the School's copyright protected information free of charge, without specific permission, provided it is not being reproduced for profit, material or financial gain.

The material must be reproduced accurately and must not be used in a misleading context. If the enquirer is publishing the material or issuing it to others, they must acknowledge the source of the information, its copyright status and the date of publication, if known.

This permission to reproduce the school's copyright protected material does not extend to any material that is identified as being the copyright of a third party. Under those circumstances, the enquirer must seek authorisation to reproduce the material from the copyright holder concerned.

Record Keeping

Records will be entered into a "Freedom of Information Requests Log" kept within the school (in the Co-ordinator's office). Such records will remain on file for a period of six years and will be disposed of at a set time in a calendar year.

The log will include details of:

- The party making the request for information;
- The date upon which the request was received (date stamp) and to whom it was addressed;
- If relevant, the date upon which the request was subsequently referred (internal/external);
- The nature of the information requested;
- The date and time of the meeting(s) convened by the committee;
- The outcome of the committee's deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made by the committee to the party requesting the information, including the person nominated to implement the response (Headteacher or Governor), the date and format of the response and the details of the information provided.
- Any subsequent appeal made by the enquirer
- The date and time of the meeting convened by the appeals committee;
- The outcome of the appeals committee's deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made by the appeals committee to the party making the appeal, including the person nominated to implement the response (Headteacher or Governor), the date and format of the response and the details of the information provided.

The appeals committee shall consider each appeal without reference to the records of the original committee meeting at which the request for information was refused.

Charges

The maximum cost limit cannot exceed £450.00 and will only be charged if the work involved exceeds the 18 hour threshold. Any work involved over 18 hours will be charged at £25.00 per hour per person involved in locating, collating and retrieving information requested.

All requests for information will be subject to charges where appropriate to cover the costs of photocopying and postage.

If a fee is not received within 3 months of issuing a fees notice we are no longer obliged to respond to the request. (FOIA 2000 fees notice attached)

Policy Review

10.1 This policy will be reviewed every 24 months or earlier if required by legislation.

APPENDIX A

Classes of Information Currently Published

School Prospectus – **this section sets out information published in the school prospectus.**

Class	Description
School Prospectus	<p>The statutory contents of the school prospectus are as follows, (other items may be included in the prospectus at the school's discretion):</p> <ul style="list-style-type: none">• information about the implementation of the governing body's policy on pupils with special educational needs (SEN) and any changes to the policy during the last year• a description of the arrangements for the admission of pupils with disabilities; details of steps to prevent disabled pupils being treated less favourably than other pupils; details of existing facilities to assist access to the school by pupils with disabilities; the accessibility plan covering future policies for increasing access by those with disabilities to the school

School Profile and other information relating to the governing body– **this section sets out information published in the School Profile and in other governing body documents.**

Class	Description
School Profile	<p>The contents of the School Profile are as follows:</p> <ul style="list-style-type: none">• list information included in the school profile e.g.<ul style="list-style-type: none">○ performance data○ summary of Ofsted report○ school's intentions for the future, etc.
Instrument of Government	<ul style="list-style-type: none">• The name of the school• The category of the school• The name of the governing body• The manner in which the governing body is constituted• The term of office of each category of governor if less than 4 years• The name of any body entitled to appoint any category of governor• Details of any trust• If the school has a religious character, a description of the ethos• The date the instrument takes effect
Minutes ¹ of meeting of the governing body and its committees	<p>Agreed minutes of meetings of the governing body and its committees <i>[current and last full academic school year]</i></p>

¹ Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this

Pupils & Curriculum Policies - This section gives access to information about policies that relate to pupils and the school curriculum.

Class	Description
Home – school agreement	Statement of the school's aims and values, the school's responsibilities, the parental responsibilities and the school's expectations of its pupils for example homework arrangements
Curriculum Policy	Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school
Sex Education Policy	Statement of policy with regard to sex and relationship education
Special Education Needs Policy	Information about the school's policy on providing for pupils with special educational needs
Accessibility Plans	Plan for increasing participation of disabled pupils in the school's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils.
Equality Policy	Statement of policy for promoting equality
Collective Worship	Statement of arrangements for the required daily act of collective worship
Child Protection Policy	Statement of policy for safeguarding and promoting welfare of pupils at the school. <i>(from March 2004)</i>
Pupil Discipline	Statement of general principles on behaviour and discipline and of measures taken by the head teacher to prevent bullying.

School Policies and other information related to the school - **This section gives access to information about policies that relate to the school in general.**

Class	Description
Published reports of Ofsted referring expressly to the school	Published report of the last inspection of the school and, where appropriate, inspection reports of religious education in those schools designated as having a religious character
Ofsted inspection Self-Evaluation Form ²	A statement of the governing body's evaluation of the school's performance.
Charging and Remissions Policies	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publications, music tuition, trips
School session times and term dates	Details of school session and dates of school terms and holidays
Health and Safety Policy and risk assessment	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy
Complaints procedure	Statement of procedures for dealing with complaints
Performance Management of Staff	Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures
Staff Conduct, Discipline and Grievance	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance
Pay Policy	Statement of the school's policy regarding teachers' pay including procedures for determining teachers' grievances in relation to their pay.
Staffing Structure Implementation Plan	The school's plan for the implementation of any changes to its staffing structure following statutory review.
Curriculum circulars and statutory instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the head teacher or governing body relating to the curriculum
Admissions Policy	Statement of the school's policy on admissions
Other documents	Other documents are held by the school and are available on request

Our website is at www.westrisejuniorschool.co.uk

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APPENDIX B

Checklist for action on receipt of a request for information

- Decide whether the request is a request under DPA(Data Protection Act 1998), EIR (The environmental information regulations 2004) or FOIA (The freedom of information act 2000)
- Decide whether the school holds the information or whether it should be transferred to another body
- Provide the information if it has already been made public
- Inform the enquirer if the information is not held
- Consider whether a third party's interests might be affected by disclosure and if so consult them
- Consider whether any exemptions apply and whether they are absolute or qualified
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information
- If a request is made for a document that contains exempt personal information ensure that the personal information is removed as set out in the guidance for schools
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit
- Consider whether the request is vexatious or repeated