



Staplehurst School

# Freedom of Information Policy

**Date**

Policy reviewed and ratified at a meeting of **The Full Governing Body**

28 September 2021

Policy to be next reviewed

**September 2023**

This policy will be updated every two years or more frequently as necessary to reflect best practice or amendments made to the Freedom of Information legislation.



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# Freedom of Information Policy

## Introduction

Under the Freedom of Information Act 2000 and since 1 January 2005 there has been a legal right for any person to make a request to a school for access to information held by that school. Schools are under a duty to provide advice and assistance to anyone requesting information and must respond to the enquiry promptly.

This is Staplehurst School's Freedom of Information Policy.

## What is a publication scheme and why has it been developed?

One of the aims of the Freedom of Information Act 2000 is that public authorities, including schools, should be clear and proactive about the information they will make public. To do this we must produce a **Freedom of Information (FOI) Publication Scheme**, 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 Publication Scheme covers information already published and information which is to be published in the future. All information in our Publication Scheme is available in paper form and some is available on our website for you to download. Some information which we hold may not be made public, such as personal information.

The School's Publication Scheme conforms to the model scheme for schools approved by the Information Commissioner.

## Aims and objectives

The school aims to:

- enable every child to fulfil their learning potential, with education that meets the needs of each child;
- help every child develop the skills, knowledge and personal qualities needed for life and work.

The Publication Scheme is a means of showing how we are pursuing these aims.

## Categories and classes of information published

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'.

## Guidance for Staff

Anyone has a right to request information from a public authority. The school have two separate duties when responding to these requests:

- to tell the applicant whether the school hold any information falling within the scope of their request; and
- to provide that information.

The school normally have 20 working days (from date of receipt) to respond to a request.

For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act or direct their request to a designated member of staff. It is good practice to provide the contact details of the school's freedom of information officer or team, if the school have one, but the school cannot ignore or refuse a request simply because it is addressed to a different member of staff. Any letter or email to a public authority asking for information is a request for recorded information under the Act.

This doesn't mean the school have to treat every enquiry formally as a request under the Act. It will often be most sensible and provide better customer service to deal with it as a normal customer enquiry under the school's usual customer service procedures, for example, if a member of the public wants to know whether a school has a space for their child. The provisions of the Act need to come into force only if:

- the school cannot provide the requested information straight away; or
- the requester makes it clear they expect a response under the Act.



When the school receive a request, read it carefully to make sure you know what is being asked for. You must not simply give the requestor information you think may be helpful; the school must consider all the information that falls within the scope of the request, so identify this first. Always consider contacting the applicant to check that you have understood their request correctly.

You should read a request objectively. Do not get diverted by the tone of the language the requester has used, your previous experience of them (unless they explicitly refer you to this) or what you think they would be most interested in.

If you can't answer the request because you are not sure what is being requested, you must contact the requester as soon as possible for clarification.

You do not have to deal with the request until you have received whatever clarification you reasonably need. However, you must consider whether you can give the requester advice and assistance to enable them to clarify or rephrase their request. For example, you could explain what options may be available to them and ask whether any of these would adequately answer their request.

The time for compliance will not begin until you have received the necessary clarification to allow you to answer the request.

The Act only covers recorded information you hold. When compiling a response to a request for information, you may have to draw from multiple sources of information you hold, but you don't have to make up an answer or find out information from elsewhere if you don't already have the relevant information in recorded form.

If you don't have the information the requester has asked for, you can comply with the request by telling them this, in writing. If you know that the information is held by another public authority, you could transfer the request to them or advise the requester to redirect their request.

Before sending the information in answer to a request, you should double check that you have included the correct documents and that the information you are releasing does not contain unnoticed personal data or other sensitive details which you did not intend to disclose.

This might be a particular issue if you are releasing an electronic document. Electronic documents often contain extra hidden information or 'metadata' in addition to the visible text of the document. For example, metadata might include the name of the author, or details of earlier draft versions. In particular, a spreadsheet displaying information as a table will often also contain the original detailed source data, even if this is not immediately visible at first glance.

## Time scales for responding

The school's main obligation under the Act is to respond to requests promptly, with a time limit acting as the longest time the school can take. Under the Act, most public authorities may take up to 20 working days to respond, counting the first working day after the request is received as the first day. For schools, the standard time limit is 20 school days, or 60 working days if this is shorter.

Working day means any day other than a Saturday, Sunday, or public holidays and bank holidays; this may or may not be the same as the days the school are open for business or staff are in work.

The time allowed for complying with a request starts when the school organisation receives it, not when it reaches the freedom of information officer or other relevant member of staff.

## What if the information is inaccurate?

The Act covers recorded information, whether or not it is accurate. The school cannot refuse a request for information simply because the school know the information is out of date, incomplete or inaccurate. To avoid misleading the requester, the school should normally be able to explain to them the nature of the information, or provide extra information to help put the information into context.

## The school can refuse a request if:

- it would [cost too much](#) (over £450) or take too long (over 18 hours) to deal with the request;
- the request is [vexatious](#);
- the request [repeats a previous request](#) from the same person.



In addition, the Freedom of Information Act contains a [number of exemptions](#) that allow the school to withhold information from a requester. In some cases it will allow the school to refuse to confirm or deny whether the school hold the information.

Some exemptions relate to a particular type of information, for instance information relating to government policy. Other exemptions are based on the harm that would arise or would be likely to arise from disclosure, for example, if disclosure would likely to prejudice a criminal investigation or prejudice someone's commercial interests.

There is also an [exemption for personal data](#) if releasing it would be contrary to the Data Protection Act.

If the school are refusing all or any part of a request, the school must send the requester a written refusal notice. The school will need to issue a refusal notice if the school are either refusing to say whether the school hold information at all, or confirming that information is held but refusing to release it.

## What must we include in a refusal notice?

The school must refuse requests in writing promptly or within 20 working days (or the standard time for compliance) of receiving it.

In the refusal notice the school should:

- explain what provision of the Act the school are relying on to refuse the request and why;
- give details of any internal review (complaints) procedure the school offer or state that the school do not have one; and
- explain the requester's right to complain to the ICO, including contact details for this.

For more detail on the above go to the [Guide to Freedom of Information](#) from the Information Commissioner's Office.

## Responsibilities

The Governing Body is responsible for the maintenance of this policy and the Publication Scheme. The Headteacher is responsible for the day-to-day provision of advice, guidance, publicity and interpretation of the school's policy and scheme.

## Feedback and Complaints

We welcome any comments or suggestions you may have about the Publication Scheme. If you want to make any comments about the Publication Scheme or if you require further assistance or wish to make a complaint, then initially this should be addressed to: Headteacher, Staplehurst School, Gybbon Rise, Staplehurst, Kent. TN12 0LZ.

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. The address is: Information Commissioner's Office, First Contact Team, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF

Helpline 0303 123 1113:  
Website: [www.ico.gov.uk](http://www.ico.gov.uk)