

Forest Way School

Freedom of Information Act 2000

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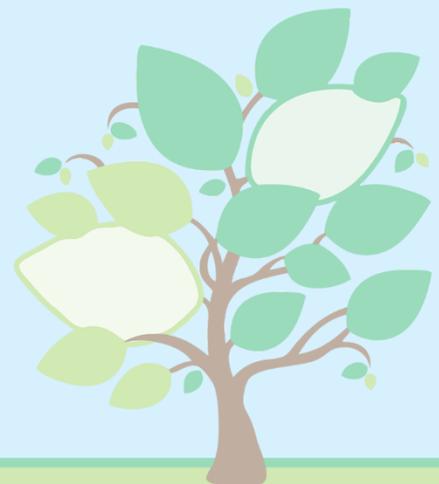
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Title: HEAD

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Statutory

Non-Statutory

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Introduction

The Freedom of Information Act 2000 (FOI) provides public access to information held by public authorities, including schools.

It does this in two ways:

- Public authorities are obliged to publish certain information about their activities;
- Members of the public are entitled to request information from public authorities.

Forest Way School is committed to the principles set out in the Freedom of Information Act and takes its responsibilities very seriously.

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This policy sets our responsibilities for Freedom of Information requests and applicable procedures and information.

Legal Framework

This policy has due regard to the following legislation:

- Freedom of Information Act 2000
- General Data Protection Regulation 2018 (GDPR)
- The freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

Guidance for this policy has been taken from:

- Information Commissioners Office (ICO)

Purpose

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- A significant amount of routinely published information held by our schools is made available to the public
- Other information is available on request (subject to confidentiality and exemptions) and such requests are dealt with in accordance to statutory guidelines;

- In cases where information is covered by an exemption or other legislation, consideration is given as to whether or not the information should be released.

Scope

This policy applies to recorded information held across school, by all staff and all departments regardless of the location, format and method of storage. It also applies to information held by third parties on the school's behalf.

The Freedom of Information Act covers all recorded information. It is not limited to official documents and it covers, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings. It also includes recorded information received from third parties, although there may be good reason not to release that information.

The Act does not cover information that is in someone's head. If a member of the public asks for information, we only have to provide information we already have in recorded form. We do not have to create new information or find the answer to a question from staff who may happen to know it.

All staff have a responsibility to read, understand and adhere to this policy.

Making a Request

All freedom of Information (FOI) requests should be sent to the Company Secretary for optimal processing and to support monitoring and evaluation purposes.

Where a FOI request is received directly by an employee this must be logged with the Company Secretary, including the full details of the request and the actual date received.

Contact details for the Company Secretary:

Company Secretary
Forest Way School
Warren Hills Road
Coalville. Leicestershire
LE67 4UU.

Email: Forestway@forestway.leics.sch.uk

In order for a FOI request to be valid:

- It should be made in writing (which includes all forms, e.g. letter by post or fax. Email, twitter message, text messages etc.)
- It should include an address for correspondence
- It should describe the information requested - it need not specify a particular document, just the information required.

Requesters do not have to mention the Act or direct their requests to a designated member of staff, if any member of staff receives a request follow the guidance above. A request cannot be ignored simply because it is addresses to a different member of staff.

Not every enquiry needs to be treated formally under the FOI Act. For example, if a member of public wants to know if the school has a space for their child this can be dealt with as a normal enquiry. The provision of the Act need to come into force only if:

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

If in doubt, follow this policy and contact the Company Secretary.

Time scale

The ICO regulations state that the time for compliance will be whichever is the shorter period:

- 20 working days following the date of receipt, excluding any day which is not a school day (this effectively equates to a period of 20 school days); **Or**
- 60 working days following the date of receipt.

A "school" day will be any day on which there is a session and the pupils are in attendance.

"Working days" exclude school holidays and "inset" or training days where the pupils are not present.

The following example illustrates how this variation works in practice.

A school receives a request on the 15th July. The school is scheduled to close for the summer holidays on 20th July and will reopen on 7th September

When calculating the time for compliance, the school recognises that it will not have to count any of the days between 20th July and 7th September, as these are non-school days for the purpose of the regulations.

After taking this into account it determines that a period of 20 school days will elapse in early October.

It then calculates the date on which 60 working days would elapse and discovers that this will fall in November.

This means that, provided the school cannot respond more promptly, the time for compliance in this case will be 20 school days because this period will lapse before an interval of 60 working days has passed.

The school may claim a reasonable extension of time to consider the public interest test. An extension beyond an additional 20 working days should be exceptional.

If the school needs further details to identify or locate the information, then the 20 working days will commence the day after it receives the required clarification from the requester.

Where the school requires a fee to process the request, the "clock" will stop on the date we issue a fees notice to the requester and restart once payment is received.

Exemption

A requester, may ask for any information that is held by the school. However, this does not mean we are always obliged to provide the information. In some cases, there will be good reason why we should not make public some or all of the information.

The school can refuse an entire request under the following circumstances:

- It would cost too much or take too much staff time 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 you hold information.

The FOI Act contains 23 exemptions whereby information can be withheld. There are two categories: absolute and non-absolute. Non-Absolute Exemptions require a Public Interest Test. This is where we must decide whether it is in the public interest to disclose the sensitive information or to withhold it.

We will only withhold information if it falls within the scope of one or more of these exemptions.

Guidance from the Information Commissioner regarding exemptions is available here:

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>

The decision to apply any exemptions should not be taken by individual members of staff but should be made by a constituted group of at least two of the following: Chair of Trustees, Headteacher or the Company Secretary.

A public interest test should be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. Only in cases where it is considered to be in the public interest to withhold the information will we refuse to disclose. Where this is the case, we will try to explain clearly which exemption we have applied and why, unless this in itself would release the sensitive information.

Fees

Upon receipt of the request, the school will assess the complexity of the request by considering the length of time it takes to:

- Determine whether the information requested is held;
- Locate the information or the documents containing the information;
- Retrieve the information or the documents containing the information;
- Extract the relevant information from the document(s) or record(s) containing it (including copying).

Much of the information in the scheme can be downloaded free of charge from the school website.

The school reserves the right to make a charge for printed copies of documents requested to cover administrative costs as below:

4 photocopy (black and white) per sheet	10p
A4 photocopy (colour) per sheet	30p
A3 photocopy (black and white) per sheet	20p
A3 photocopy (colour) per sheet	60p

Postage Individual quote to be obtained. Calculated on cost basis with reference to national postage rates.

Other costs involved are calculated by the hour at a rate of £25 per hour. These apply to the time required to search for, extract and format the information.

Where total charges for the request are equal to or exceed £450, the school is not obliged to fulfil the request. In such situations, the requestor will be notified and within the statutory time scale. Requestors are entitled to modify their request if preferred, to reduce the cost below the limit.

Requestors will be provided with full details of the fees levied within the initial response letter within the 20-day time scale. The school is not obliged to respond to a request unless the fee is paid.

The statutory 20-day time scale for responding to requests, will only begin once cleared payment has been received in full.

The school reserves the right to refuse requests that are vexatious in nature.

The decision to refuse requests on the grounds of a vexatious nature should not be taken by individual members of staff but should be made by a constituted group of at least two of the following: Chair of Trustees, Headteacher or the Company Secretary.

Responsibilities

All staff are responsible for ensuring that requests for information (which any member of staff may receive) are handled in accordance with this policy and staff guidance. Staff who do not adhere to these may be subject to disciplinary procedures.

The school is required to keep a log of FOI requests as detailed in the 'Record Keeping' section of this policy.

The school is required to make available the statutory information on their websites. Details can be found here: <https://www.gov.uk/guidance/what-maintainedschools-must-publish-online>

Complaints

If, for any reason, you are dissatisfied with the way in which your request for information has been handled, please get in touch with us.

Contact details for the Company Secretary are above.

Formal Complaints Procedure

If you are dissatisfied with the outcome of a complaint to us, you can make a formal complaint to the Information Commissioner in writing to:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Additional contact details can be found here: <https://ico.org.uk/make-a-complaint/>

Record Keeping

The school will keep a record of all FOI requests received for monitoring purposes, 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 and
- e) The reason for any failure to meet the 20-day deadline.

The Company Secretary will keep this record within school records.