



'Excellence Together with Christ at the Centre'

Freedom of Information Policy

January 2021

INCLUSION STATEMENT

At St Anne's and Guardian Angels we aim to fulfil our mission by raising attainment through the creation of inclusive cultures, practices and policies. These include: equal opportunities, gender equality, anti-racism, race equality and anti-bullying.

Background

The FOIA applies to all public authorities and came fully into force on 1st January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions, within twenty working days. The Act is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1st January 2005. Section 19 of the Act also obliges the School to make information pro-actively available in the form of an approved "publication scheme". The Government's Information Commissioner enforces this information regime.

The regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who can overturn any decision to withhold information. For the purposes of this policy, the "public" is defined as any individual or organisation anywhere in the world and an "information request" refers to any request for recorded information.

Timescale

Freedom of Information requests should be dealt with within 20 working days, excluding school holidays

Delegated responsibilities

Overall responsibility for ensuring that the School meets the statutory requirements of the FOIA, lies with the Governors and the Chair of Governors has overall responsibility for information management issues. They have delegated the day-to-day responsibility of implementation to the Headteacher.

The Headteacher is assisted by School Business Manager who currently fulfils the role of 'FOIA officer'. All School staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the FOIA officer where necessary.

Requesting information

Procedures

Practical procedures for handling information enquiries in line with the relevant legislation will be produced and copies can be obtained from the School's FOIA Officer.

The School has a duty under FOIA to provide advice and assistance to applicants making information requests. This includes assisting the applicant in making the application for information.

Charges

The Governing Body may charge a fee for complying with requests, as calculated in accordance with FOIA regulations. If a charge is to be made, the School will give written notice to the applicant before supplying the information requested. The School will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption. Where the School estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. The School is not obliged to comply with such a request but may choose to do so.

Publication Section 19 of the FOIA

This obliges the School to make information pro-actively available in the form of a "publication scheme". This scheme will list categories or "classes" of information that will routinely be made available without the need for a specific information request. The School will indicate in the scheme where it wishes to charge for providing particular categories of information. The scheme is published on the School's website. The School plans to review this scheme regularly.

Whenever any information is provided in response to a recorded FOIA enquiry, the School will assess whether the information is suitable for wider publication. In general, there will be a presumption in favour of publishing such information on the School's website.

Withholding Information

The Freedom of Information Act contains 23 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. The School will only withhold information if it falls within the scope of one or more of these exemptions. Where an absolute exemption applies, the School can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the School decides that the public interest is best served by withholding the information.

Certain exemptions also contain a "prejudice test", which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption. The School will only withhold information covered by the exemption.

Complete files or documents will not be withheld just because part of the information is covered by an exemption.

The School will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a “public interest” exemption is being considered, the School will only withhold that information which it can demonstrate that the public interest will be best served by withholding. When considering withholding information under a non-absolute exemption the School will take into account whether the release of the information would:

- promote further understanding of current issues of public debate;
- promote the accountability of decisions taken by the School and the spending and allocation of public money;
- bring to light matters of public safety;
- allows the public to understand and challenge decisions made by the School;
- be otherwise in the public interest.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld. The applicant will also be given details of the right to challenge the decision through the School’s Governing Body and the right of appeal to the Information Commissioner’s Office.

Where a staff member plans to apply an exemption, he/she will consider whether other schools hold similar information. If this is considered likely, he/she may contact the relevant school(s) to ensure that a consistent response is provided to the applicant.

The School will also refuse to supply information under the FoIA, where the request is considered “vexatious” or “repeated” and under the EIR, where the request is considered ‘manifestly unreasonable’. Releasing a third party’s information where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, the staff member that received the request will seek input from the FoIA officer prior to the release of the information.

The release of third party information will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of the General Data Protection Regulations (GDPR). FoIA permit information to be withheld when its release would breach the provisions of GDPR.

Information held within contracts with the School

Any contractual information, or information obtained from organisations during the tendering process, held by the School are subject to the provisions of the FoIA. Whenever the School enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording will be included in contracts to cover the impact of FoIA in relation to the provision of information held in contracts. The School can withhold contractual information where its disclosure under FoIA could be treated as actionable breach of confidence.

Where the School intends to include nondisclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed.

The School will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.

Where information is not covered by the exemption relating to information accepted in confidence, a further exemption specifically under FoIA may be relevant, relating to commercial interests. This exemption is subject to a “public interest” test. Whenever the School has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the School will make the final decision relating to the disclosure of the information.

The School can also withhold information contained in contracts where any of the other exemptions listed in the FoIA are appropriate, although information will only be withheld in line with the School’s policy on the use of exemptions. All future contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to a FoIA request.

Complaints procedure

Whenever the School withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the School’s complaints procedure and of the right of appeal to the Information Commissioner. Any complaint received will be dealt with in accordance with the School’s complaints procedure as detailed in its Complaints Policy.

If the result of the complaint is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.

Illegal actions

It is a criminal offence for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information request. The FoIA contain specific provisions to make such action a criminal offence.

Review of the Policy

This policy is scheduled for review every two years. Comments from staff, parents and members of the public on this policy and its implementation are welcome and can be addressed to:

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