



Wingfield Primary School

Freedom of Information Policy and Publication Scheme

Reviewed policy agreed by GB:	Spring 2019
Reviewed policy shared with staff:	Spring 2019
Policy to be reviewed again:	Spring 2021

The Governing Body of Wingfield Primary School are responsible for ensuring the school complies with the Freedom of Information Act 2000 ('the Act'). It also covers enquiries relating to matters under the Environmental Information Regulations 2004, namely enquiries about air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these.

This policy applies to all information held electronically including e-mail or recorded on paper by the school.

This policy does not cover enquiries or subject access requests under the General Data Protection Regulation (GDPR) - i.e. where the enquirer asks to see what personal information Wingfield Primary School holds about them. These enquiries will be dealt with under the Privacy Notice for Parents & Carers.

The Freedom of Information Act 2000 (FOIA).

Anyone has a right to make a request to the school for access to information held by us. This will cover all recorded information. It is not limited to official documents and it covers for example, drafts, e-mails, notes, recordings of telephone conversations and CCTV recordings.

What is a valid request for information?

A request for information under FOIA **must**:

- Be in writing, including e-mail, fax or via Social Media. (Verbal enquiries are not covered by FOIA). There is no need for requests to indicate that they are made under the Act and all requests will be dealt with in accordance with this policy.
- State the requester's name and correspondence address (e-mail addresses are allowed);
- Describe the information requested – (You must provide sufficient information to allow the school to identify and locate the information);
- Not be a request falling under the GDPR (i.e. be a request for information about yourself or your child).

What is the time limit for responding to the request?

Our main obligation under the Act is to respond to all requests promptly, and no later than 20 school days, or 60 working days if this is shorter.

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.

How will the school deal with your request?

The school has two separate duties when responding to these requests:-

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

The school will not comply with a request for information for the following reasons:

- The Information is not held. If the school does not hold the information requested, we will notify you of this, in writing. If we know that the information is held by another public authority, we will transfer your request to them or advise the requester to redirect their request.
- The cost of locating, extracting and retrieving the information is above the cost of £450.
- The request is considered vexatious or repeated.

If the request is vexatious the school will not comply with your request. The key test for the school is whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation.

The request is considered to be identical or substantially similar to a previous request submitted by the same individual, unless a reasonable period has elapsed between those requests.

- One or more exemptions may apply.
- If the school receives a request that is ambiguous, with many potential interpretations, or no clear meaning at all the school will write to the requester and ask for clarification. At this stage, the school will not deal with your request until we have received whatever clarification we reasonably need, and the 20 school days start time will begin. The school will also consider whether it can give the requester advice and assistance to enable you to clarify or rephrase your request.
- If you are dissatisfied with the handling of your request for information, you have a right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter. At this stage, a fresh decision will be made (by a member of staff who did not deal with the original request) on all the available evidence that is relevant at the date of the request. A response will be provided promptly and within 20 school days.

- If you are unhappy with the outcome of your internal review you have a right to apply directly to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

What if the information requested contains personal information?

Certain information is subject to either absolute or qualified exemptions, i.e. data that is considered to be "personal" and thus covered by the GDPR. In this case, the document will be redacted (personal data will be blacked out). When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information. The school will maintain a register of requests where we have refused to supply information and the reasons for the refusal. Information will be retained for 5 years.

For detailed information on exemptions that may occur, see Appendix B

How much we will charge?

We reserve the right to refuse to supply information where the cost of doing so exceeds the current statutory maximum of £450.

Information published on the Wingfield Primary School's websites is free although you may incur costs from an internet service provider.

- The school can charge a fee, for photocopying, printing and postage. For the fees, please see our **charging and remissions policy**. The table below details our costs for photocopying.

Number of Pages	Maximum Fee
1 - 19	£1
20 - 29	£2
30 - 39	£3
40 - 49	£4
50 - 59	£5
60 - 69	£6
70 - 79	£7
80 - 89	£8
90 - 99	£9
100 - 149	£10
150 - 199	£15
200 - 249	£20
250 - 299	£25
300 - 349	£30
350 - 399	£35
400 - 449	£40
450 - 499	£45
500+	£50

The Environmental Information Regulations 2004 ('EIR')

Anyone has a right to make a request to the school for access to information. These regulations provide a separate right of access to information about the environment. All other types of information are covered by the Freedom of Information Act.

What is environmental Information?

Environmental Information is any information in written, visual, aural, electronic or any other material form on the state of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction between these elements.

What is a valid request for information?

A request for information under EIR can either **be**:

- Made in writing, including e-mail, fax, via Social Media or verbally. (Please note the school will always respond in writing, regardless of how the request is made).
- We will require the requester's name and correspondence address (e-mail addresses are allowed);
- A description of the information requested (The requester must provide sufficient information to allow the school to identify and locate the information).

What is the time limit for responding to the request?

The school will respond to your request promptly, and no later than 20 school days. If due to the complexity and volume of the information, it is impracticable for the school to comply with your request we will respond to you within school days.

The school will not comply with a request for information for the following reasons:

- The information is not held. If the school does not hold the information requested, we will notify you of this, in writing. If we know that the information is held by another public authority, we will transfer your request to them or advise the requester to redirect their request.
- The request is considered to be 'manifestly unreasonable or vexatious'. The key test for the school is if this request is too burdensome to deal with; is likely to disrupt the school's ability to perform its core functions; or seems to be aimed at disrupting the school's performance.
- One or more exceptions may apply.
- If the school receives a request that is ambiguous or unclear, with many potential interpretations, or no clear meaning at all. The school will write to the requester and ask for clarification. At this stage, the school will not deal with your request until we have received whatever clarification we reasonably need and the 20 school days start time will begin. The school will also consider whether it can give the requester advice and assistance to enable you to clarify or rephrase your request.

- If you are dissatisfied with the handling of your request for information you have a right to ask for an internal review. Internal review requests should be submitted 40 working days of receiving the response to your original letter. At this stage a fresh decision will be made (by a member of staff who did not deal with the original request) on all the available evidence that is relevant at the date of the request. A response confirming the outcome of the Internal Review will be provided promptly and within 40 school days of receiving the complaint.
- If you are unhappy with the outcome of your internal review you have a right to apply directly to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

APPENDIX A - Publication Scheme

The Governing Body of Wingfield Primary School is responsible for collating and publicising its own Publication Scheme about the work of Wingfield Primary School.

This Publication Scheme commits us to make information available to the public as part of our normal business activities.

This Scheme commits the school to:

- proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the school and falls within the classes of information below
- specify the information which is held by us and falls within the within the classes of information below
- proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme
- produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public
- review and update on a regular basis the information we make available under this scheme
- produce a schedule of any fees charged for access to information which is made proactively available
- make this publication scheme available to the public

The classes of information include:

- **Who we are and what we do** - Organisational information, locations and contacts, constitutional and legal governance
- **What we spend and how we spend it** - Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts
- **What our priorities are and how we are doing** - Strategy and performance information, plans, assessments, inspections and reviews
- **How we make decisions** - Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
- **Our policies and procedures** - Current written protocols for delivering our functions and responsibilities.
- **Lists and Registers** - Information held in registers by law and other lists and registers relating to the functions of the school
- **The services we offer** - Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure

- Information in draft form
- Information that is no longer readily available as it is contained in files that have been placed in archive storage or it is difficult to access for similar reasons

Where it is within our capability, information will be provided on the school's website.

Where it is impracticable to make information available on our websites, this Scheme sets out how information can be obtained.

Where you cannot or do not wish to access the information via the specified means, you should contact the school to discuss an alternative means of viewing the information. In exceptional circumstances information may be available only by viewing in person. You should contact the school to make an appointment to view the information which we will endeavour to accommodate within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. If we are legally required to translate the information, we will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this Scheme.

Information to be published	Information obtained from	Cost
Class 1 – Who we are and what we do		
Organisational information, structures, locations and contacts This will be current information only		
List of names of the Leadership Team and SENCOs	Website	No charge
School prospectus (if applicable)	Website	No charge
Contact details for Chair of Governors	Website	No charge
Location and contact information – address and telephone number	Website	No charge
Class 2 – What we spend and how we spend it		
Financial information relating to the projected and actual income and expenditure, procurement, contracts and financial audit		
Current and previous two financial years as a minimum		
Annual budget plan and financial statements	Hard Copy requested via head teacher	Schedule of charges
Annual Accounts (published by 31 May each year)	Website	No charge
Additional funding – income generation schemes and other sources of funding	Hard Copy requested via head teacher	Schedule of charges
Procurement and contracts – details of procedures used for the acquisition of goods and services and details of contracts that have gone through a formal tendering process	Hard Copy requested via head teacher	Schedule of charges
Staffing and grading structure	Hard Copy requested via head teacher	Schedule of charges
Pay Policy	Hard Copy requested via head teacher	Schedule of charges

Governor Expenses – details of expenses that can be claimed or incurred	Hard Copy requested via head teacher	Schedule of charges
Class 3 – What our priorities are and how we are doing (Strategies, plans, performance indicators, audits, inspections and reviews) This will be current information only		
School profile including a statement of our ethos and values	Website	No charge
Performance management policy and procedures	Hard Copy requested via head teacher	Schedule of charges
School Improvement Plan	Hard Copy requested via head teacher	Schedule of charges
Safeguarding Policy and procedures	Website	No charge
Class 4 – How we make decisions (Decision making process and records of decisions) Current and previous three years as a minimum		
Agendas of Governors' meetings and (if held) its sub- committees	Hard Copy requested via head teacher	Schedule of charges
Minutes of meetings (as above) – NB This will exclude information that is properly considered to be private and confidential	Hard Copy requested via head teacher	Schedule of charges
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only		
School policies including: <ul style="list-style-type: none"> • Charging and remissions policy • Health and Safety • Complaints procedure • Staff conduct policy* • Discipline and grievance policies* • Equality and diversity (including equal opportunities) policies 	Website – except * - hard Copy requested via head teacher	Schedule of charges
Records management and personal data policies including: <ul style="list-style-type: none"> • Data protection (including information sharing, records retention, destruction and archiving) policies 	Hard Copy requested via head teacher	Schedule of charges
Charging regimes and policies	Hard Copy requested via head teacher	Schedule of charges
Equality and diversity (Policies, schemes, statements, procedures and guidelines relating to equal opportunities Policies and procedures for the recruitment of	Hard Copy requested via head teacher	Schedule of charges

staff and details of vacancies		
Class 6 – Lists and Registers		
Currently maintained lists and registers only		
Asset register	Hard Copy requested via head teacher	Schedule of charges
Any information the school is currently legally required to hold in publicly available registers	Website or Hard Copy requested via head teacher	No charge (website) or Schedule of charges
Class 7 – The services we offer		
(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)		
Current information only		
School publications	Website or Hard Copy requested via head teacher	No charge (website) or Schedule of charges
Services for which the school is entitled to recover a fee, together with those fees	Website	No charge
Leaflets, booklets and newsletters	Website or Hard Copy requested via head teacher	No charge (website) or Schedule of charges

APPENDIX B - EXEMPTIONS

There are two general categories of exemptions:-

- **Absolute:** where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest test; and
- **Qualified:** where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

Even when an exemption applies:

- we will still provide you with reasonable advice and assistance, including suggesting an amended version of your request
- we can decide to ignore the exemption and release the information taking into account all the facts of the case

Absolute Exemptions

Those which are most likely to be used are marked with an *:

- ***Information accessible to the enquirer by other means*** (Section 21) If information is reasonably accessible to the enquirer by a route other than the FOIA, it is exempt information. This is the case even if the enquirer would have to pay for the information under that alternative route. This exemption will include cases where the information is available via the Publication Scheme or under other legislation, such as the Data Protection Act 1998.
- ***Personal information*** (Section 40) (see also the qualified exemption part of Section 40). Where enquirers ask to see information about themselves, this is exempt under the Act because it is covered by the Data Protection Act.
- ***Court records*** (Section 32) (see also the qualified exemption under Section 30 concerning investigations and proceedings conducted by public authorities) This applies to information related to proceedings in a court or tribunal or served on a public authority for the purposes of proceedings.
- ***Information provided in confidence*** (Section 41) This relates to information obtained from a person if its disclosure would constitute a breach of confidence actionable in law by that, or another, person.
- ***Prohibitions on disclosure*** (Section 44) Information is exempt where its disclosure is prohibited under any other legislation by order of a court or where it would constitute a contempt of court or where it is incompatible with any EC obligation.
- **Information dealing with security matters** (Section 23) (see also qualified exemption under Section 24 on national security) This applies to information directly or indirectly supplied by, or relating to, bodies dealing with security matters such as GCHQ, MI5, MI6, Special Forces and the National Criminal Intelligence Service.
- **Parliamentary Privilege** (Section 34) This exempts information if it is required for the purpose of avoiding an infringement of the Parliamentary privilege.
- **Prejudice to the effective conduct of public affairs** (Section 36) (see also the qualified exemption part of Section 36) This relates to the maintenance of the collective responsibility of Ministers.

Qualified Exemptions

Where a qualified exemption applies, there is an additional duty to consider the public interest in confirming or denying that the information exists and in disclosing information (see below).

Those which are most likely to be used are marked with an *:

- ***Personal information*** (Section 40) (see also the absolute exemption part of Section 40) Where the information concerns a third party, it is exempt if its disclosure would contravene the Data Protection Act 1998, or the data protection principles; or if the person to whom the information relates would not

have a right of access to it because it falls under one of the exemptions to the Data Protection Act 1998. The duty to confirm or deny does not arise in relation to this information if doing so would be incompatible with any of the above.

- ***Legal professional privilege*** (Section 42) Legal professional privilege covers any advice given by legal advisers, solicitors and barristers especially with regard to potential litigation. Generally such information will be privileged. This exemption covers all such information where a claim to legal professional privilege can be maintained in legal proceedings. The duty to confirm or deny does not arise where to do so would involve the disclosure of such information.

- ***Information intended for future publication*** (Section 22) If at the time the request was made, information is held with a view to publication, then it is exempt from disclosure if it is reasonable that it should not be disclosed until the intended date of publication. This could apply for instance to statistics published at set intervals, for example annually or where information is incomplete and it would be inappropriate to publish prematurely. Note the following:-
 - the intended publication does not have to be by the school, it can be by another person or body on behalf of the school
 - the date of publication does not have to be known, it could be at some future date (although it is recommended that some idea of a likely date is given)
 - the duty to confirm or deny does not apply if to do so would involve the disclosure of any of the relevant information

- ***Investigations and proceedings conducted by public authorities*** (Section 30) Information is exempt if it has at any time been held by us for the purposes of criminal investigations or proceedings, such as determining whether a person should be charged with an offence or whether a charged person is guilty, or investigations which may lead to a decision to institute criminal proceedings. The duty to confirm or deny does not apply to such information.

- ***Law enforcement*** (Section 31) Information which is not exempt under Section 30 Investigations and Proceedings, may be exempt under this exemption in the event that disclosure would, or would be likely to, prejudice the following among others:
 - the prevention or detection of crime
 - the apprehension or prosecution of offenders
 - the administration of justice
 - the exercise of functions such as ascertaining if a person has broken the law, is responsible for improper conduct, whether circumstances justify regulatory action, ascertaining a person's fitness or competence in relation

to their profession, ascertaining the cause of an accident or protecting or recovering charities or its properties

- any civil proceedings brought by us or on our behalf which arise out of an investigation carried out for any of the purposes mentioned above.

The duty to confirm or deny does not arise where prejudice would result to any of these matters.

- ***Health and Safety*** (Section 38) Information is exempt if its disclosure would or would be likely to endanger the safety or physical or mental health of any individual. The duty to confirm or deny does not arise where prejudice would result.
- **Commercial interests*** (Section 43) Information is exempt if it constitutes a trade secret or would be likely to prejudice the commercial interests of any person or body
- ***Environmental information*** (Section 39) Information is exempt under FOI where it is covered by the Environmental Information Regulations. Environmental information can cover information relating to: air, water, land, natural sites, built environment, flora and fauna, and health. It also covers all information relating to decisions or activities affecting any of these. However, such requests will normally be dealt with under similar principles to those set out in the policy.
- **Audit Functions** (Section 33) Information is exempt if its disclosure would, or would be likely to, prejudice the exercise of an authority's functions in relation to the audit of the accounts of other public authorities. It does not apply to internal audit reports.
- **Formulation of government policy** (Section 35) Information held is exempt information if it relates to the formulation or development of government policy, ministerial communications, advice by Law Officers (e.g. Attorney General) and the operation of any Ministerial private office.
- **National security** (Section 24) (see also absolute exemption 23) Information is exempt for the purposes of safeguarding national security.
- **Defence** (Section 26) Information is exempt if its disclosure would prejudice the defence of the UK.
- **International relations** (Section 27) Information is exempt if its disclosure would or would be likely to, prejudice relations between the UK and any other state, international organisation.
- **Relations within UK** (Section 28) Information is exempt if its disclosure would or would be likely to, prejudice relations between any administration in the UK i.e. the Government, Scottish Administration, Northern Ireland Assembly, or National Assembly of Wales.

- **The economy** (Section 29) Information is exempt if its disclosure would, or would be likely to, prejudice the economic or financial interests of the UK
- **Prejudice to the conduct of public affairs** (Section 36) (excluding matters covered by the absolute exemption part of Section 36) Information likely to prejudice the maintenance of the convention of the collective responsibility of Ministers or likely to inhibit the free and frank provision of advice or exchange of views.
- **Communications with the Queen** (Section 37) Information is exempt if it relates to communications with the Queen, the Royal Family or Royal Household or if it relates to the award of honours. The duty to confirm or deny does not arise where this exemption applies.