

DOVE HOUSE SCHOOL ACADEMY TRUST

FREEDOM OF INFORMATION

Policy issued 17 th March 2016
Approved by Tom Pegler, Headteacher and Annie Benton, Chair of Governors
SignedAnnie Benton and Tom Pegler.....
Approved at Governing Body on 17 th March 2016 Next Review to be March 2017

1. Introduction

Dove House school is committed to the Freedom of Information Act 2000 (FOIA) and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

2. Background

The FOIA came fully into force on January 1 2005. Under the Act, any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds the information, and to receive a copy, subject to certain exemptions.

The information which the school routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance (up-dated January 2015). While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the school holds are covered by the Act. The Department for Education (DfE) has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide schools on how long they should keep school records. It is an offence wilfully to conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under FOIA can be addressed to anyone in the school; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing (including email) and should include the enquirer's name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the

information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an FOIA enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

3. Scope

The FOIA joins the Data Protection Act (DPA) and the Environmental Information Regulations (EIR) as legislation under which anyone is entitled to request information from the school.

Requests for personal data are still covered by the DPA. Individuals can request to see what information the school holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the EIR. They also cover issues relating to Health and Safety. For example, queries about chemicals used in the school or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FOIA, but unlike FOIA requests, they do not need to be written and can be verbal.

If any element of a request to the school includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FOIA, and must be dealt with accordingly.

4. Obligations and Duties

The school recognises its duty to:

- provide advice and assistance to anyone requesting information. *We will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.*
- tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the procedures laid down in Appendix 1 [Freedom of Information Guide to info available Appendix 1.docx](#).

5. Publication Scheme

Dove House School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner. [Freedom of Information Guide to info available Appendix 1.docx](#)

The Publication Scheme and the materials it covers will be readily available.

6. Dealing with Requests

- **Categories of Information Published**

1. School Prospectus – information published in the school prospectus
2. Governors' Documents – information published in the Governors' Annual Report and in other Governors' documents
3. Pupils & Curriculum – Information about policies that relate to pupils and about the school curriculum
4. School Policies and other information related to the school – information about policies that relate to the school in general

- **How to request information**

A paper version of any of the documents within the Scheme may be obtained by contacting the school by telephone.

- **Paying for Information**

Single copies of information covered by this publication are provided free unless otherwise stated. Should a request require large amounts of photocopying, printing or postage or is for a priced item the enquirer will be informed of the cost for fulfilling the request.

- **Classes of Information currently published**

Policy / Documentation	
Accessibility Plan	Collective Worship
Administration of Medicines	Complaints Procedure
Admissions Arrangements	Curriculum Policy
Allegations of abuse against staff	Data Protection
Anti-Fraud Policy	Equal Opportunities Employment Policy
Assessment, Principles, Practice	Equality & Diversity and Objectives Statement for Publication
Asset Policy	Examination
Attendance Targets	Exclusion of Pupils
Behaviour Management Policy	Finance Terms of Reference
Bullying Policy	First Aid Policy
Careers Info, Advice, Guidance	Freedom of Information Publication
Central Record of recruitment and vetting checks	Gifts and Hospitality Policy
Charging Policy	Governors Allowances
Child Protection	Health & Safety
Code of Conduct	Home School Agreement

ICT
Inclusion
Internal Verification Policy
Investment Policy
Looked After Children
Minutes ..Governing Body
Nutritional Standards Policy
Off-Site Activities
Outreach Policy
Pay Policy
Performance Management
Petty Cash Policy
Physical Intervention
Premises Management
Procedure for Protected Disclosures (Whistleblowing)
Prospectus
Register of Pupils Admission

Register of Pupils Attendance
Related Party Policy
School Information on Website
Security Policy
Sex Education
Smoking Policy
Special Educational Needs Policy
Staff Absence
Staff Development Policy
Staff Discipline Conduct Grievance
Supporting Pupils in School with Medical Conditions
Target Setting for Schools
Teaching & Learning
Travel Plan
Volunteers in School
Work Experience

7. Exemptions

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed in Appendix 1 [Freedom of Information Guide to info available Appendix 1.docx](#).

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.

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

8. Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

For information on applying the Public Interest Test see: https://ico.org.uk/media/for-organisations/documents/1183/the_public_interest_test.pdf.

9. Charging

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

The Governing Body may choose to charge a fee for complying with requests for information under FOIA. The fees must be calculated according to FOIA regulations, (<https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/>) and the enquirer notified of the charge before information is supplied. The school will generally respond to most requests free of charge, and only charge where significant costs are incurred.

Costs will be calculated, taking account of staff time, as well as direct costs, but if the total is less than the statutory maximum, only the direct costs (e.g. printing, postage etc.) will be charged. If the cost exceeds the statutory maximum the school is not required to respond, but may choose to do so, either charging for time and direct costs or not. As good practice we will contact the enquirer and see if they wish to reduce the request, thus reducing the time and costs to below the maximum.

When charging, the school will follow the guidance from the DfE under its advice to academies, in particular [Freedom of Information Guide to info available Appendix 1.docx](#).

10. Responsibilities

The Governing Body has delegated the day-to-day responsibility for compliance with the FOIA to the Head Teacher.

11. Complaints

Any comments or complaints will be dealt with through the school's normal complaints procedure.

The school will aim to determine all complaints within 10 days of receipt. We will publish information on our success rate in meeting this target. The school will maintain records of all complaints and their outcome.

If on investigation the school's original decision is upheld, then the school has a duty to inform the complainant of their right to appeal to the Information Commissioner's office.

Appeals should be made in writing to the Information Commissioner's office. They can be contacted at:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

- **Feedback & Complaints**

Comments or suggestions about this policy and Publication Scheme are welcomed; these should be addressed in the first instance to the Headteacher, Dove House School. Similarly, requests for further assistance or any complaints should initially be addressed to the Headteacher.

Formal complaints should be made to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

- **Referenced Documents**

Statutory Guidance: <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

Retention Schedule: <https://ico.org.uk/media/for-organisations/documents/1160/retention-and-destruction-of-requested-information.pdf>

FOIA Regulations: <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/>

Appendix 1:

Model Publication Scheme for Schools approved by the Information Commissioner:
<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

Exemptions:

Public Interest Test: https://ico.org.uk/media/for-organisations/documents/1183/the_public_interest_test.pdf

DfE Guide to Academies:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/294920/Academies_and_freedom_of_information_FINAL.pdf