

## **Blackshaw Moor CE (C) First School Publication Scheme on information available under the Freedom of Information Act 2000 (updated 2012)**

### **Background**

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including all maintained schools, should be clear and proactive about the information they will make public. The act establishes a statutory right to information. From January 2005 the public have the right to request any information held by school, which has not already been made available through the publication scheme. The FOIA joins the Data Protection Act (this covers requests for personal data i.e. individuals can request to see what information school holds about them. This is known as a Subject Access Request) and Environmental Information Regulations (covers requests for information about air, water, land, recycling, playing fields, car parks, buildings, Health and Safety issues and decisions and activities affecting these things) as legislation under which anyone is entitled to request information about the school. 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 FOI Act.

To do this we, as a public authority, must produce a publication scheme (this is information a school routinely makes available to the public), 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 scheme covers information already published and information which is to be published in the future. All information in our publication scheme is available from our school office.

The Act is retrospective and covers past records which school holds. It is an offence to wilfully conceal, damage, alter, deface, block, erase or destroy information in order to avoid responding to an enquiry or to prevent disclosure. The Act also covers reasoning behind decisions and policies.

Some information which we hold may not be made public, for example personal information, but the Act does provide for the release of exempt information deemed to be in the public interest.

The publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

## 1. Introduction

Blackshaw Moor First School is committed to the Freedom of Information Act 2000 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, subject to legal exemptions.

## 2. Obligations and Duties of the school

The school recognises its duty:

a) 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 in writing so that they can be handled under the Act.

b) to confirm or deny

- We will inform enquirers in writing whether or not we hold the information they are requesting and provide access to the information we hold in accordance with the procedures in Appendix 1.
- We will ensure all staff are aware of the procedures, as requests under FOI can be addressed to anyone in the school.

c) to designate a person/ persons responsible for dealing with requests and co-ordinating enquiries (the School Office Administrator and Headteacher) The Headteacher has ultimate responsibility for compliance with the FOIA.

d) to deal with requests within 20 working days, excluding holidays. If the enquirer is asked for more information in order for us to answer the request, then the 20 days start time begins when this further information has been received.

e) to provide information in the form requested, where reasonably practicable, except where exemptions apply. The school is not obliged to collect data in specific response to an FOI enquiry. "Information" means information the school has created or has received from another body or person or is held by another body on the school's behalf. It covers hard copy and digital information including email.

f) to respond to all requests

g) to 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.

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

### **3. Requests for information**

- Must be in writing (including email or fax)
- Must include the name and address of the applicant (email addresses are allowed)
- Must describe the information requested
- Applicants do not need to refer to the Act or state why they are making a request for information
- Requests must not be covered by one of the other pieces of legislation
- Verbal enquiries are not covered by FOI Act. Such enquiries can be dealt with where the enquiry is relatively straightforward and can be dealt with satisfactorily. For more complex enquiries, and to avoid disputes over what was asked for, the enquirer has to put the request in writing or email, when the request will become subject to FOIA.
- If the information is already in the public domain eg through Publication Scheme or on school website, the enquirer will be directed to the information and told how to access it.
- The Act states that there is no obligation to comply with vexatious, manifestly unreasonable or repeated requests, that is ones designed to cause inconvenience, harassment or expense rather than to obtain information and which would require a substantial diversion of resources or would undermine the work of the school.
- If the information is held by another public body eg local authority, the request can be transferred to them if they hold it. The enquirer will be notified that we do not hold the information and to whom we have transferred the request.
- Personal information is exempt under the FOIA. However, individuals may continue to make a 'subject access request' under the Data Protection Act. If a request is made for a document which contains personal information eg Governing Body minutes, the minutes may be issued by blanking out the relevant personal information.
- Consultation of third parties may be required if their interests could be affected by the release of the information. Consultation is necessary if disclosure affects rights to have certain information treated in confidence or rights under ECHR Article 8
- The presumption of the legislation is that information will be disclosed unless the Act provides a specific reason to withhold it. Exemptions-certain information is subject to either absolute or qualified exemptions. See Appendix 2. Unless it is in the public interest to withhold information, it has to be released. Appendix 3 gives guidance on conducting a public interest test.

#### **4. Charging**

The Act allows governing bodies to charge for providing information. Appendix 4.

(School needs to determine if threshold of £450 would be exceeded. Staff costs are calculated at £25 per hour. School can charge for determining if information is held, for locating and retrieving information. School cannot take into account costs in determining whether information is exempt.

If the request is less than £450 school can charge for cost of informing applicant if information is held, communicating information to applicant (photocopying, printing, postage)

If the cost is more than £450, school can turn down request, answer and charge fee, or answer and waive fee. See costs outlined in appendix 4.

Schools are advised that they should reply to straightforward enquiries free of charge and only charge where costs are significant. If school intends to charge, it should send the enquirer a fees notice and does not have to comply with the request until the fee has been paid. The time period stops and starts again when payment has been received.)

#### **5. Publication Scheme**

Blackshaw Moor School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner.

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 in to categories of information known as 'classes'. These are contained in section 6 of the scheme. The publication scheme and the materials it covers are available from the school office.

The classes of information that we undertake to make available are organised into four broad topic areas:

*School prospectus*- information published in the school prospectus

*Governors' Documents*-

*Pupils and Curriculum*- information about policies that relate to pupils and the school curriculum

*School Policies and other information related to the school*- information about policies that relate to the school in general

#### **6. Classes of information currently published.**

See attached sheet.

### **How to request information**

If you require a paper version of any of the documents within the scheme, please contact the school by telephone or letter. Contact details are set out below:

Tel: 01538 300337

Contact Address: Blackshaw Moor CE (C) First School, Buxton Road, Blackshaw Moor, Near Leek, Staffs. ST13 8TW

To help us process your request quickly, please clearly mark any correspondence "PUBLICATION SCHEME REQUEST". If the information you are looking for is not available via the scheme, you can contact the school to ask if we have it.

### **Paying for information.**

Single copies of information covered by the publication scheme are provided free unless stated otherwise in section 6. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos, we will let you know the cost before fulfilling your request. Where there is a charge this will be indicated by a £ sign in the description box.

### **Feedback and Complaints**

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to: The Head Teacher, Blackshaw Moor School CE(C) First School, Buxton Road, Blackshaw Moor, Near Leek, Staffs. ST13 8TW

Blackshaw Moor School aims to determine all complaints within 20 working 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 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 has to be made then this should be addressed to: the Information Commissioner's Office.

Appeals should be made in writing to the Information Commissioner's Office:

FOI/EIR Complaints Resolution

Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

Enquiry/ information Line: 01625 545700

Email [publication@ic-foi.demon.co.uk](mailto:publication@ic-foi.demon.co.uk) or website: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Agreed by staff and curriculum committee

Date

Agreed by Governors

Date

To be reviewed: December 2013

6. Publication scheme of Blackshaw Moor First School (information routinely available from school) Classes of Information Currently Published:

1. School prospectus
2. Instrument of Government
3. Minutes of meetings of the Governing body and its sub-committees.
4. School session times and term dates
5. Names and contact details of the governors and the basis of their appointment
6. Annual budget plan and financial statements
7. Capital funding
8. Additional funding
10. Procurement and contracts
11. Staffing and grading structure
12. Governors' allowances and expenses
- 13 School policies:
14. Curriculum circulars and statutory instruments sent to HT and GB concerning curriculum
- 15 Disclosure log:
16. Asset register
17. Weekly and termly curriculum guidance, newsletters, leaflets