



## Freedom of Information Policy

**Date:** February 2019

**Revision Date and Frequency:** February 2021 (every 2 years)

**Distributed to Staff:** Following FGB ratification

**Lead Person(s):** R. Dyer & N. Bowles

**Ratification by:** FGB (February 2019)

**Statutory Policy:** Yes

**Policy Author:** R. Dyer & N. Bowles (*based on model policy & statutory guidance issued by the Information Commissioner's Office*)

### 1. Our school vision and how this policy fulfils the vision

We encourage our learners to be ambitious for themselves, and for others, by challenging and supporting them in questioning the world and in finding solutions. Our Christian vision is deeply rooted in our theological understanding of St Paul's letter to the Philippians:

***"I can do all things through Him who gives me strength"***

Through our exploration and teaching of the Christian values of friendship, compassion and service, we want our learners to be ready to learn, respectful of each and to feel safe so that they can flourish in today's world, knowing that they are loved and cherished by God. For it is through Him, that they are given the strength to encounter each day and live life in all its fullness.

At Burdett-Coutts, we aim to give children the confidence to believe that through effort and diligence, they can "*do all things*" and achieve. To enable this, we believe that our school should provide a caring, positive, stimulating and safe environment which promotes the welfare and social, physical and moral development of the individual child.

The Freedom of Information Act 2000 provides public access to information held by public authorities. Public authorities are obliged to publish certain information about their activities; and members of the public are entitled to request information from public authorities. The main principle behind freedom of information legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to.

This policy outlines our commitment to the principles of accountability and the general right of access to information, subject to legal exemptions, in line with our school vision and rules.

### 2. Introduction

Burdett-Coutts & Townshend Foundation CE Primary School is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to



## Freedom of Information Policy

information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

### 3. Background

The Freedom of Information Act 2000 (Fol) 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 and Definition document (see Appendix 1 & 2). Requests for other information should be dealt with in accordance with the statutory guidance. 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 DfES 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 to wilfully 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 Fol 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 enquirers 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 Fol enquiry.

For further information and guidance, visit the Information Commissioner's Office by following this link: <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/>

### 4. Scope

The Fol Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the school.

Requests for personal data are still covered by the Data Protection Act. (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.



## Freedom of Information Policy

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 Environmental Information Regulations (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.

### 5. 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.

### 6. Publication Scheme & Definition Document

Burdett-Coutts & Townshend Foundation CE Primary School has adopted the [Model Publication Scheme for Schools](#) and the [Definition document for the governing bodies of maintained and other state-funded schools in England](#) approved by the Information Commissioner's Office.

The Publication Scheme, Definition Document and the materials they cover will be readily available and are included as appendixes to this policy.

### 7. Dealing with Requests

We will respond to all requests in accordance with procedures. We will ensure that all staff are aware of the procedures.

### 8. Exemptions

Certain information is subject to either absolute or qualified exemptions.



## Freedom of Information Policy

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.

### 9. 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.

### 10. Charging

We reserve the right to charge for information listed on the Publication Scheme except where specifically indicated.

### 11. Complaints

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

The Governing Body will review this policy statement annually and update, modify or amend it as it considers necessary to ensure the policy meets the needs of Burdett-Coutts & Townshend Foundation CE Primary School.



## Freedom of Information Policy

### **APPENDIX 1 - The Freedom of Information Act 2000 Publication Scheme**

This model publication scheme has been prepared and approved by the Information Commissioner. It has been adopted without modification by Burdett-Coutts & Townshend Foundation CE Primary School without further approval and will be valid until further notice.

This publication scheme commits a school to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the school. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits a school:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the school and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To 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.
- To review and update on a regular basis the information the school makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

### **Classes of Information**

#### **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.



## Freedom of Information Policy

### **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 required 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 is difficult to access for similar reasons.

## **The method by which information published under this scheme will be made available**

The school will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a school, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, the school will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged 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. Where a school is legally required to translate any information, it 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.



## Freedom of Information Policy

### Charges which may be made for Information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge. Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

### Written Requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

### How to request information

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

**Email:** [office@burdettcoutts.co.uk](mailto:office@burdettcoutts.co.uk)

**Tel:** 020 78286790

**Fax:** 020 78283791

**Contact Address:** Rochester Street, London SW1P 2QQ



### **Appendix 2: Definition document for the governing bodies of maintained and other state-funded schools in England**

For the avoidance of doubt, this document covers all schools in England that are subject to the Freedom of Information Act 2000 (FOIA), including academies and free schools. Sixth form colleges may opt to use either this definition document or the one for colleges of further education, as appropriate to their constitution, and must make clear which document they are using.

This guidance will be of most use to schools developing their own guide to information. Smaller schools may alternatively use the template Guide to Information for the schools sector.

The guidance is intended to assist schools by giving examples of the kinds of information that we would expect them to provide in order to meet their commitments under the FOIA model publication scheme. Schools should note that they are not expected to routinely publish all information; for example, where they do not hold it or where it is publicly available elsewhere or is exempt. We list such circumstances below.

We would expect schools to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website; such information may have been provided either by the school or on its behalf. The school must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or
- it would be impractical or resource-intensive to prepare the material for routine release.

If the information is only held by another public authority, the school should provide details of where to obtain it.

The guidance is not meant to give an exhaustive or definitive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and schools should look to provide as much information as possible on a routine basis.

As a minimum we expect schools to make available information that is required by statute or by the Department for Education or by virtue of a funding agreement, for example. For the avoidance of doubt, we would not expect schools that are subject to a funding agreement to provide information contrary to its provisions, although we consider such a conflict to be unlikely to arise.





## Freedom of Information Policy

### Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance on the dataset provisions in FOIA](#). This explains what is meant by "not appropriate" and "capable of re-use".

**Who we are and what we do:** Organisational information, structures, locations and contacts.

We would expect information in this class to be current information only.

- **Instrument of Government / Articles of Association**  
The Instrument of Government is the document which records the name and category of the school and the name and constitution of its governing body. Academies and Free Schools have Articles of Association instead.
- **School prospectus and curriculum**  
The contents of the school prospectus (if any). Once a prospectus has been published and made available to parents, access to it should be available to anyone.  
  
An outline of the school curriculum.
- **Governing Body**  
The names of the governors should be available, and the basis on which they have been appointed, along with details of how to contact them via the school.
- **School session times and term dates**  
Details of school session times and dates of school terms and holidays.
- **Location and contact information**  
The address, telephone number, email address and website for the school together with the names of key personnel.



## Freedom of Information Policy

**What we spend and how we spend it:** Financial information about projected and actual income and expenditure, procurement, contracts and financial audit.

The minimum we would expect is that financial information for the current and previous two financial years should be available.

- **Annual budget plan and financial statements**

Details of the sources of funding and income provided to the school by a local authority or directly by central government or from elsewhere, including the private sector, together with the annual budget plan and the school's annual income and expenditure returns.

Details of items of expenditure over £5000, including costs, supplier and transaction information. This should be published at least annually but at a more frequent quarterly or six-monthly interval where it is practical for schools to do so.

- **Capital funding**

Information on major plans for capital expenditure. Details of the capital funding allocated to or by the school together with information on related building projects and other capital projects. This should include any private finance initiative and public-private partnership contracts.

- **Financial audit reports**

- **Procurement and contracts**

Details of procedures used for the acquisition of goods and services.  
Details of contracts that have gone through a formal tendering process.

- **Pay policy**

The statement of the school's policy and procedures regarding teachers' pay.

- **Staff allowances and expenses**

Details of the allowances and expenses that can be incurred or claimed. It should include the total of the allowances and expenses paid to individual senior staff members by reference to categories. This information should be produced in line with the school's policies, practices and procedures and must at least include travel, subsistence and accommodation.

For the purpose of this document, "senior staff" means staff on the Senior Management or Leadership Team or equivalent level, or above, whose basic actual salary is at least £60,000 per annum.

- **Staff pay and grading structures**

The names and positions of all staff of the school, and how they may be contacted via the school. This may be provided as part of the organisational structure and should include, as a minimum, the salaries for senior staff as defined above. Those salaries should be stated in bands of £10,000. For more junior posts, levels of pay should be identified by salary range.



## Freedom of Information Policy

- **Governors' allowances**

Details of allowances and expenses that can be incurred or claimed, and a record of total payments made to individual governors.

**What our priorities are and how we are doing:** Strategies and plans, performance indicators, audits, inspections and reviews.

The minimum we would expect in this class is current information.

Below is a list of the type of information that we would expect schools to have readily available for publication. Any other reports or recorded information showing the school's planned or actual performance should normally be included. If the information is readily and publicly available via an external website, the school may instead provide a direct link to that, as stated on page one of this document.

- **Performance data supplied to the government**

- **Latest Ofsted report**

The school should provide a link to its report on the Ofsted website.

- **Performance management information**

Performance management policy and procedures adopted by the governing body.

- **The school's future plans**

Any major proposals for the future of the school involving, for example, consultation on a change in school status.

- **Safeguarding and child protection**

The policies and procedures that are in place to ensure that the school exercises its functions with a view to safeguarding and promoting the welfare of children, including child protection, in compliance with legislation and any guidance issued by the Secretary of State.

**How we make decisions:** Decision-making processes and records of decisions.

We would expect information in this class to be available at least for the current and previous three years.

- **Admissions policy / decisions**

The school's admission arrangements and procedures, together with information about the right of appeal. We would not expect individual admission decisions to be published, but we would expect information on application numbers/patterns of successful applicants (including criteria on which applications were successful) to be published if this information is held by the school. If the school is not its own admissions authority, it should provide an appropriate link to the local authority.

- **Minutes of meetings of the governing body and its committees**

Minutes, agendas and papers considered at such meetings should be published as soon as practicable,



## Freedom of Information Policy

with the exception of information that is properly considered to be private to the meeting.

**Our policies and procedures:** Current written protocols, policies and procedures for delivering our services and responsibilities.

We would expect information in this class to be current only.

- **School policies and other documents**

This must include, as a minimum, policies, procedures and documents that the school is required to have by statute or by its funding agreement or equivalent. We would expect this information to include the required policies listed on the Department for Education's website. It will also include policies and procedures for handling information requests.

- **Records management and personal data policies**

This will include information security policies, records retention, destruction and archive policies, and data protection (including data sharing) policies.

- **Equality and diversity**

This will also include policies, schemes, statements, procedures and guidelines relating to equal opportunities.

- **Policies and procedures for the recruitment of staff**

If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

If the school charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

### Lists and registers

We expect this to be information in currently maintained lists and registers only.

- **Curriculum circulars and statutory instruments**

Statutory Instruments (for example Regulations), departmental circulars and administrative memoranda sent to the Headteacher/Governing Body concerning the curriculum.

- **Disclosure logs**

If a school produces a disclosure log indicating the information provided in response to requests, it



## Freedom of Information Policy

should be readily available. Disclosure logs are recommended as good practice.

- **Asset register**  
We would expect some information from capital asset registers to be available, if such registers are held.
- **Any information the school is currently legally required to hold in publicly available registers**

**The services we offer:** Information about the services the school provides including leaflets, guidance and newsletters.

Generally, this is an extension of part of the first class of information and may also relate to information covered in other classes. Examples of services that could be included here are:

- **Extra-curricular activities**
- **Out of school clubs**
- **School publications**
- **Services for which the school is entitled to recover a fee, together with those fees**
- **Leaflets, booklets and newsletters**