

# Freedom of Information Policy

Lymington Junior School



## Schools and Education

Ratification date: September 2019  
To Be Reviewed by: September 2021



# Lymington Junior School Freedom of Information Policy

## **General**

Lymington Junior School strives to be open and accountable by providing relevant information on a regular and timely basis to parents, the community and its other stakeholders.

## **Purpose**

This document sets out how Lymington Junior School complies with the requirements of the Freedom of Information Act 2000 (FOIA), under which schools have a duty to provide advice and assistance to anyone requesting information.

## **Method of Achievement**

In September 2017 the Governors agreed to adopt the Model Scheme for Publication of school documents. Since this date the school website has been updated. All documentation will be available either in hardcopy or via email, except for confidential minutes, or can be accessed via the school website. This policy will be reviewed bi-annually to ensure that it is kept up to date and remains appropriate.

*N.B. This policy should be read in conjunction with the school's document/information retention schedule which is maintained as a separate document. It should also be read in conjunction to Lymington Junior School's Data Protection Policy.*

## **Process and Responsibilities**

Requests for information must be made in writing (including fax or email), have the name and correspondence address of the enquirer and have details of the information required. The enquirer will be informed as to whether the schools or governing body can release the information requested, or whether certain exemptions apply. (See **Appendix A** for further information on exceptions).

In meeting the schools' obligations to provide help and guidance we will:

- if appropriate, provide the information in writing as soon as is practicable
- let the enquirer know where the information is available if it is already in the public domain (e.g. School Website)
- let the enquirer know if another public body holds the information requested, where it is not held at the school
- ensure that any exemption that is applied is clearly identified and, where appropriate, reasons given for its use.

The approval of the application of other exemptions and the undertaking of the public interest test, when applying qualified exemptions, will be dealt with by the Headteacher and/or Chair of Governors, as appropriate.

The implementation of the day to day policy is delegated to the Headteacher. We will endeavour to provide a response for requests within 20 school days or 60 working days, whichever is shorter. Where circumstances make it difficult for the information to be provided in time to meet this deadline, we will advise the enquirer accordingly and seek to provide the information as soon as possible.

All requests will be logged by the relevant school's Administration Officer and their progress tracked and reported to the Governing Body. The log will record all requests for information (including the date received), fees received (where applicable) and the date the information was provided. It will also include a record of the exemptions that have been applied and the reasons given for them where appropriate.

Any expressions of dissatisfaction about the way a request for information has been handled by the Federation or the Governing Body and will be handled referencing the Federation's Complaints Policy.

**Appendix B** provides a checklist for the action to be taken in respect of requests for information.

All the Staff and Governors in Lymington Junior School are made aware of the requirements of the FOIA and how the school handles requests for information and will be advised of any changes to these. The requirements of the Act form part of the induction process for new members of staff.

### **Charging Structure**

A charge for (black and white) photocopying of 10p per sheet will be made for straight forward requests. In addition, a charge will be made to recover postage costs; postage will normally be second class unless the enquirer requests first class. The Governing Body will consider complying with a request for information where the charge for staff time exceeds the threshold of £450 (see note below) if the applicant is prepared to pay the appropriate costs, as long as the work load involved will not adversely affect any aspects of the school's or governing body's service provision.

*N.B. Staff time can only be charged for where the cost threshold of £450 is exceeded. The costs threshold is the limit at which the school/GB does not have to comply with a request. The costs that can be taken into account when calculating if the threshold is going to be reached are the staff time taken to establish if the information is held, to locate it and to send it to the applicant plus the photocopying/postage costs. Staff costs are calculated using a set figure of £25 per hour for each member of staff needed to deal with the request (i.e. 18 staff hours). If the calculation comes to under £450 the only charge will be for photocopying and postage.*

See **Appendix C** for further details on costs and information available.

## **APPENDIX A**

## **Freedom of Information Act 2000 (Section 36) Guidance on Exemptions**

Information to which this section applies (i.e. information held by the school or governing body) would be exempt if, in the reasonable opinion of a qualified person, disclosure of the information under the Act:

- would, or would be likely to inhibit
  - the free and frank provision of advice, or
  - the free and frank exchange of views for the purposes of deliberation, or
- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

The exemptions should only be applied if the Chair of Governors is certain that the above adverse effects would or would be likely to follow from a disclosure in relation to the areas covered above. It is not enough that disclosure would result in someone's temporary embarrassment.

The 'exchange of views for the purposes of deliberation' could include processes of decision-making, opinion forming or evaluation, but is likely to exclude very casual or trivial exchanges.

Section 36 is not limited to particular kinds of information; it works by reference to the effects of disclosure rather than to content.

The information sought does not need to be the full record of advice or an exchange of views to be capable of having an inhibiting effect; it may merely refer to it indirectly or affect it some other way. It is not an absolute exemption and it can only be used when the prejudice or harm detailed above can be demonstrated.

The exemption is also subject to the public interest test. This means that even where the effects can be demonstrated, it is still necessary to consider whether the public interest in withholding outweighs the public interest in disclosure. Only if that is the case should the information be withheld. It will be extremely important to document thoroughly the reasons why information falls within Section 36(2). Therefore, if the Chair of Governors decides to withhold information then the notification to the person requesting the information must explain why the exemption is being relied upon and why the balance of the public interest comes down against the disclosure.

It should be noted that the qualified person cannot delegate this decision-making function to others.

Further guidance on the issues the qualified person needs to consider when assessing if this exemption should be applied is held on the Department for Constitutional Affairs web site which can be accessed via the Hampshire Governor Services website under Freedom of Information in the A-Z index. Other exemptions could apply including personal information covered by the Data Protection Act 1998.

## APPENDIX B

### Freedom of Information Act 2000

#### Checklist for Action on Receipt of a Request for Information

- All requests should be in writing - this may be a fax or email. Anyone making a verbal request will be asked to confirm their request in writing.
- Enter the details of the request into the Log assigning a unique reference number to each request. Include details of the enquirer's name and address, format of request, date received, the information requested and any relevant comments.
- Consider the nature of the request. Are there, for example, Data Protection Act implications (relating to personal data), is the information likely to fall under the provisions for exemption? Seek advice and guidance where any doubt exists as to the nature of the information requested (Headteacher/Chair of Governors). Update the Log with relevant details.
- Where a request for information has been referred for guidance, consider the following:
  - a) the implications of the Data Protection Act
  - b) The implications for any third parties affected by disclosure. Consult with the third party as appropriate
  - c) Whether any exemptions apply and whether they are absolute or qualified
  - d) An assessment against the public interest test to establish whether or not applying qualified exemption outweighs the public interest in disclosing the information
  - e) Application of the redaction procedure whereby personal data may be blacked out in a document thus making it available to the enquirer
- If, as a result of the above consideration, we are unable to provide the information requested, advise the enquirer accordingly and record the details on the Log.
- Determine whether or not the school holds the information. If it is held provide the information if it has already been made public. If the information has not yet been made public (e.g. draft minutes) advise the enquirer accordingly and follow up once the information is publicly available. Record the details in the Log.
- If the information is not held, advise the enquirer and record this in the Log. If there is another source where the information may be held, refer the enquirer to it.

- At an early stage determine the likely cost of providing the information, referring to the charging structure in the policy document. Advise the enquirer that any charges must be paid before the information will be provided. **(N.B.** Should the work involved in providing the information be considered excessive or likely to have an impact on other duties within the school, refer to the Headteacher for guidance before proceeding.)

Ensure that the Log records all action taken. In addition, retain copies of all correspondence relating to the request.

## APPENDIX C

### GUIDE TO THE INFORMATION AVAILABLE UNDER THE MODEL PUBLICATION SCHEME

Please contact the relevant School Office for how the information can be obtained and the likely cost of its provision.

Information to be Published	How the information can be obtained	Cost
<b>Class 1 – Who we are and what we do</b> (Organisational information, structures, locations and contacts) This will be current information only	School Website	
Who's who in school	School Website	
Who's who on the Governing Body and the basis of their appointment	School Website	
Instrument of Government	By Request	
Contact details for the Headteacher, the Heads of School and for the Governing Body (named contacts where possible with telephone number and email address if used)	By Request	
Staffing Structure	School Website	
School session times and term dates	School Website	

<b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Current and previous financial year as a minimum		
Annual budget plan and financial statements	By Request	
Capitalised funding	By Request	
Additional funding	By Request	
Procurement and projects	By Request	
Pay policy	By Request	
Staffing and grading structure	By Request	
Governors' allowances	By Request	

<b>Class 3 - What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews) Current information as a minimum		
School Profile <ul style="list-style-type: none"> <li>○ Government supplied performance data</li> <li>○ The latest Ofsted report               <ul style="list-style-type: none"> <li>- Summary</li> <li>- Full report</li> </ul> </li> </ul>	HCC Website Using the Find a School link and following the subsequent links	
Performance management policy and procedures adopted by the governing body	By Request	
School's future plans	By Request	
Every child matters	By Request	

<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions) Current and previous three years as a minimum	By Request	
Admissions policy/decisions (not individual decisions)	From HCC – School Website	
Agendas of meetings of the governing body and (if held) its sub-committees	By Request	
Minutes of meetings (as above) – NB This will exclude information that is properly provided as private to the meetings	By Request	

<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only		
<ul style="list-style-type: none"> <li>• School policies including: <ul style="list-style-type: none"> <li>○ Charging and remissions policy</li> <li>○ Health and safety</li> <li>○ Complaints procedure</li> <li>○ Staff conduct policy</li> <li>○ Discipline and grievance procedures</li> <li>○ Staffing structure implementation plan</li> <li>○ Information request handling policy</li> <li>○ Equality and diversity (including equal opportunities) policies</li> <li>○ Staff recruitment policies</li> </ul> </li> <li>• Pupil and curriculum policies including: <ul style="list-style-type: none"> <li>○ Home-school agreement</li> <li>○ Curriculum</li> <li>○ Sex Education</li> <li>○ Special educational needs</li> <li>○ Accessibility</li> <li>○ Race equality</li> <li>○ Collective worship</li> <li>○ Careers Education</li> <li>○ Pupil discipline</li> </ul> </li> <li>• Records Management and personal data policies including: <ul style="list-style-type: none"> <li>○ Information security policies</li> <li>○ Records retention, destruction and archive policies</li> <li>○ Data protection (including information sharing policies)</li> </ul> </li> </ul> <p>Charging regimes and policies</p> <p>This should include details of any statutory charging regimes. 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</p>	Many of our policies are on the school website. Hardcopies of those not listed can be requested	



<b>Class 6 – Lists and registers</b>		
Currently maintained lists and registers only		
Curriculum circulars and statutory instruments	By Request	
Disclosure Logs	By Request	
Asset register	By Request	
Any information that the school is currently legally required to hold in publicly available registers <b>(THIS DOES NOT INCLUDE THE ATTENDANCE REGISTER)</b>	By Request	

<b>Class 7 – The services we offer</b>		
(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses Current information only		
Extra-curricular activities	School Website	
Out of school clubs	School Website	
School publications	By Request	
Services for which the school is entitled to recover a fee, together with those fees	By Request Charging and Remissions Policy is on the Website.	
Leaflets, books and newsletters	Website and by request	
<b>Additional Information</b> This will provide schools with the opportunity to publish information that is not itemised in the lists above	Website and/or by request	

## SCHEDULE OF CHARGES

**Contact Details:** Administration Officer  
**Telephone numbers:** 01590 674383  
**Email:** [adminoffice@lymington-jun.hants.sch.uk](mailto:adminoffice@lymington-jun.hants.sch.uk)

This describes how the charges have been arrived at and should be published as part of the guide

<b>Type of Charge</b>	<b>Description</b>	<b>Basis of Charge</b>
Disbursement Cost	Photocopying/printing@10p per sheet (black and white)	Actual cost
	Photocopying/printing@20p per sheet (colour)	Actual cost
	Postage	Actual cost (2 <sup>nd</sup> class standard)
Statutory fee		In accordance with the relevant legislation (quote the actual statute)
Manpower (>18 hours)		£25 per hour or part of an hour
Other		Available on request.

## Evaluation and Review

<b>Date of Ratification by Governing Body:</b>	September 2020
<b>Date for next review:</b>	September 2021