



FREEDOM OF INFORMATION POLICY

This is a whole-school policy, within the framework of which the Primary School and the Nursery policies operate as appropriate.

Freedom of Information Policy

1. Aims

To explain the procedure for handling freedom of information requests received by Queen Elizabeth's Grammar School.

2. Context

Queen Elizabeth's Grammar School operates within guidance and procedures set out by the Department for Education.

3. Evaluation

This policy will be reviewed annually by the Director of Business and Finance with any changes being ratified by the Governing Body at the next available Board Meeting.

4. Introduction

Queen Elizabeth's Grammar 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 the School's response to the Act and a framework for managing requests.

5. Background

The Freedom of Information Act 2000 (Fol) came fully into force on 1 January 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. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

Requests must be made in writing to the Head, and should include the enquirer's name and correspondence address, and state what information they require. Queen Elizabeth's Grammar School has a duty to respond to all requests, specifically confirming whether or not the information is held and supplying any information that is held, except where exemptions apply. A response will be provided in 20 days excluding school holidays.

6. 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.

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.

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

7. Obligations and Duties

The School recognises its duty to

- Provide advice and assistance to anyone requesting information. Queen Elizabeth's Grammar School 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 the School holds the information they are requesting, and provide access to the information we hold in accordance with the procedures laid down below.

8. Publication Scheme

Queen Elizabeth's Grammar School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner. The Publication Scheme and the materials it covers will be readily available on our School website, www.qegsblackburn.com. Details are also included in Appendix 1.

9. Dealing with Requests

The School will respond to all requests in accordance with the procedures laid down below.

10. Exemptions

Certain information is subject to either absolute or qualified exemptions. Should the School wish to apply a qualified exemption to a request, it will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information. Queen Elizabeth's Grammar School will maintain a register of requests where it has refused to supply information, and the reasons for the refusal. The register will be retained by the Director of Business and Finance for 5 years.

11. Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. The School will apply the public interest test before any qualified exemptions are applied.

12. Charging

The Governing Body may choose to charge a fee for complying with requests for information under FOI. The fees must be calculated according to FOI regulations and the person notified of the charge before information is supplied.

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 school 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:

- a) photocopying
- b) postage and packaging
- c) the costs directly incurred as a result of viewing information
- d) any translation costs

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.

Queen Elizabeth's Grammar School reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

13. Responsibilities

The School's Governing Body has delegated the day-to-day responsibility for compliance with the FOI to the Head.

14. Complaints

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

15. Procedure for dealing with requests

To handle a request for information the Governing Body or delegated person will ask themselves a series of questions. These are set out below

Is it a FOI request for information?

A request for information may be covered by one, or all, of three information rights:

- Data Protection enquiries (or subject access requests) are ones where the enquirer asks to see what personal information the school holds about the enquirer. If the enquiry is a Data Protection request, the School will follow the procedures set out in the Data Protection Policy.
- Environmental Information Regulations enquiries are ones which relate to air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these. These could therefore include enquiries about recycling, phone masts, school playing fields, car parking etc. If the enquiry is about environmental information, the School will follow the guidance on the IC's website or the DEFRA website.

- FOI enquiries are concerned with all other information and the reasoning behind decisions and policies. The request does not have to mention the FOI Act. All requests for information that are not data protection or environmental information requests are covered by the FOI Act.

Is this a valid FOI request for information?

A FOI request should:

- be in writing, including email or FAX, and addressed to the Head;
- state the enquirer's name and correspondence address (email addresses are allowed);
- describe the information requested - there must be enough information to be able to identify and locate the information ; and
- not be covered by one of the other pieces of legislation.

Verbal enquiries are not covered by the FOI Act. Such enquiries will be dealt with where the enquiry is relatively straightforward and can be dealt with satisfactorily. However, for more complex enquiries, and to avoid disputes over what was asked for, the School will ask the enquirer to put the request in writing or email, when the request will become subject to FOI.

Does the School hold the information?

“Holding” information means information relating to the business of the school:

- the School has created, or
- the School has received from another body or person, or
- held by another body on the School's behalf. Information means both hard copy and digital information, including email.

Has the information requested already been made public?

If the information requested is already in the public domain, Queen Elizabeth's Grammar School will direct the enquirer to the information and explain how to access it.

Is the request vexatious or manifestly unreasonable or repeated?

The Act states that there is no obligation to comply with vexatious requests. This is taken to mean a request which is designed to cause inconvenience, harassment or expense rather than to obtain information, and would require a substantial diversion of resources or would otherwise undermine the work of the School.

Could a third party's interests be affected by disclosure?

Consultation of third parties may be required if their interests could be affected by release of the information requested, and any such consultation may influence the decision.

Consultation will be necessary where:

- disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention on Human Rights;
- the views of the third party may assist the School to determine if information is exempt from disclosure, or

- the views of the third party may assist the School to determine the public interest.

Does an exemption apply?

The presumption of the legislation is that the School will disclose information unless the Act provides a specific reason to withhold it.

Is the request for personal information?

Personal information requested by the subject of that information is exempt under the FOI Act as such information is covered by the Data Protection Act. Individuals must, therefore, continue to make a 'subject access request' under the Data Protection Act using the procedure set out in the Data Protection Policy if they wish to access such information.

Do the details contain personal information?

Personal information requested by third parties is also exempt under the FOI Act where release of that information would breach the Data Protection Act. If a request is made for a document (e.g. Governing Body minutes) which contains personal information whose release to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information.

What is the time limit for replying to the enquirer?

Compliance with a request must be prompt and certainly within the legally prescribed limit of 20 working days, excluding school holidays. The response time starts from the time the request is received. If further information has been requested by the enquirer, the 20 days start time begins when this further information has been received.

If a qualified exemption applies and more time is required to consider the public interest test, the school will reply within the 20 days stating that an exemption applies but include an estimate of the date by which a decision on the public interest test will be made.

If there is to be a charge made the time period stops until payment is received and then continues again once payment has been received.

What if a request is refused?

If the information is not to be provided, the person dealing with the request must immediately contact the person in the school with delegated responsibility for FOI to ensure that the case has been properly considered and the reasons for refusal are sound. If it is decided to refuse a request, a refusals notice will be issued confirming the following:

- the fact that the responsible person cannot provide the information asked for;
- which exemption(s) the School are claiming apply;
- why the exemption(s) apply to this enquiry (if it is not self-evident);
- reasons for refusal if based on cost of compliance
- in the case of non-absolute exemptions, how the School has applied the public interest test, specifying the public interest factors taken into account before reaching the decision
- reasons for refusal on vexatious or repeated grounds
- the internal complaints procedure.

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the Information Commissioner, the Director of Business and Finance will keep a record of all enquiries where all or part of the requested information is withheld and exemptions are claimed. The record must include the reasons for the decision to withhold the information. Records will be retained for 5 years. Records will not be retained where the School has supplied the information requested.

Feedback and Complaints

If the person who has made the request is not satisfied with the assistance that they have gotten from the School or if the School has not been able to resolve the complaint and the person feels that a formal complaint needs to be made, then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints.

Publication Scheme

Information to be published	How the information can be obtained	Cost
Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only		
School Staff and structure	Hard copy (FOI)	P&P
Who's who on the governing body and the basis of their appointment	Website	None
Contact details for the Head and for the governing body (named contacts where possible with telephone number and email address (if used))	Website	None
School prospectus	Website	None
School session times and term dates	Website	None
Academy Funding Agreement – a link to the document on the Department for Education's website	Website	None
A-level, GCSE and SATS results – a link to the data on the Department for Education's website	Website	None
What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Current <i>and previous</i> financial year as a minimum		
Annual budget plan and financial statements	Hard Copy/ Website	None
Capitalised funding	Hard copy (FOI)	None
Additional funding	Hard copy (FOI)	None
Procurement and contracts (summary information)	Hard copy (FOI)	None
Pay policy	Hard copy (FOI)	None
Staffing and grading structure	Hard copy (FOI)	None

What our priorities are and how we are doing

(Strategies and plans, performance indicators, audits, inspections and reviews) Current information as a minimum

School profile:Government supplied performance data	Website	None
Ofsted report – summary and full report	Website	None
Performance management policy and procedures adopted by the governing body.	Website	None
Schools future plans	Hard copy (FOI)	None
Child Protection – policies and procedures	Website	None

How we make decisions

(Decision making processes and records of decisions) Current and previous three years as a minimum

Admissions policy/decisions (not individual admission decisions)	Website	None
Governing body meeting agendas, papers and minutes	Hard copy (FOI)	P&P

Our policies and procedures

(Current written protocols, policies and procedures for delivering our services and responsibilities)

School policies including:

Charging and remissions policy	A number of policies are on school website, otherwise by request	P&P
Health and Safety and risk assessment		
Complaints procedure		
Staff conduct policy		
Discipline and grievance policies		
Pay policy		
Staffing structure implementation plan		
Information request handling policy		
Staff recruitment policies		
Pupil and curriculum policies, including:		
Home-school agreement		
Curriculum		
Sex education		
Special educational needs		
Accessibility		
Race equality		
Collective worship		
Careers education		
Pupil discipline	A number of policies are on school website, otherwise by request	P&P
Trips and visits policy		
Uniform details		
Records management and personal data policies, including:	A number of policies are on school website, otherwise by request	P&P
Information security policies		
Records retention destruction and archive policies		
Data protection (including information sharing policies)		

Equality and Diversity(Policies, schemes, statements, procedures and guidelines relating to equal opportunities)	A number of policies are on school website, otherwise by request	None
Charging regimes and policies.	Website	None

Lists and Registers (Incl curriculum circulars, statutory instruments, Asset register etc) Currently maintained lists and registers only	Hard copy (FOI)	None
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The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)

Out of school clubs/ extra-curricular activities	Website	None
School publications	Website	None
Leaflets/Letters newsletters	Website	None

Additional Information This will provide schools with the opportunity to publish information that is not itemised in the lists above

ICT Acceptable Use – Policy re the use of ICT within school for staff and students	Website	None
Menus – Menus of food provided in the school restaurant	Website	None
School Calendar – Events throughout the academic year	Website	None

Updated by Mrs CY Gammon: May 2018

Approved by Board of Governors: 17 th May 2018
