



**“CREATIVITY, RESPONSIBILITY, RESPECT, AND HAPPINESS”**

BLUE COAT CE VA PRIMARY SCHOOL

Freedom of Information Policy & Publication Scheme 2020

Committee responsible for this policy	Resources Committee
Policy initially approved by FGB	June 2012
Policy reviewed/amended	22 <sup>nd</sup> April 2016 26 <sup>th</sup> March 2019 4 <sup>th</sup> February 2020
Policy review term	Triennial
Policy due for review	April 2022



## Statement of Intent

Blue Coat School [the School] is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act (FoIA) 2000 and the access provisions of the Data Protection Act. The School will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so.

The underlying principle of this policy is that the public have a right to access to recorded information held by the School and that the School should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

Separate guidance, on how to handle information requests received under the FoIA regime is contained within in the staff handbook.

## Background

The FoIA applies to all public authorities and came fully into force on 1<sup>st</sup> January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions, within twenty working days. The Act is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1<sup>st</sup> January 2005. Section 19 of the Act also obliges the School to make information pro-actively available in the form of an approved “publication scheme” [Incorporated into this Policy].

In addition, individuals have a statutory right of access to their own “personal data” under the Data Protection Act (DPA) 2018. Individual access rights to personal data are extended by the FoIA through amendments to the access provisions of the DPA [see the School’s Data Protection Policy].

The Environmental Information Regulations (EIR) 2004 provides a statutory right of access to “environmental information”, as defined in these regulations. The EIR came into force on 1<sup>st</sup> January 2005 and replaces the existing 1992 Regulations. The EIR are also fully retrospective.

The Government’s Information Commissioner enforces these three information regimes.

Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who can overturn any decision to withhold information. For the purposes of this policy, the “public” is defined as any individual or organisation anywhere in the world and an “information request” refers to any request for recorded information made under the FoIA, EIR or DPA.

## Timescales

For schools the statutory timescale for compliance with FoIA and EIR Requests will be whichever the shorter period is;

- 20 working days following the date of receipt, excluding any day which is not a school day (this effectively equates to a period of 20 school days); **or**
- 60 working days following the date of receipt.



A 'school' day will be any day on which there is a session and the pupils are in attendance. 'Working days' exclude school holidays and 'inset' or training days where the pupils are not present.

Requests for Data Protection (subject access requests) should be dealt with within 30 calendar days. Requests for pupil education records should be dealt with within 15 school days. [see the School's Data Protection Policy].

## Delegated Responsibilities

Overall responsibility for ensuring that the School meets the statutory requirements of the FoIA, EIR and DPA lies with the Governors and the Chair of Governors has overall responsibility for information management issues. They have delegated the day-to-day responsibility of implementation to the Head teacher.

The Head teacher is assisted by the School Finance Manager who currently fulfils the role of 'Fol officer'. All School staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the Fol officer where necessary.

## Scope

This policy applies to all recorded information held by the School that relates to the business of the School. This includes:

- Information created and held by the School.
- Information created by the School and held by another organisation on our behalf.
- Information held by the School provided by third parties, where this relates to a function or business of the School (such as contractual information) and
- Information held by the School relating to Governors where the information relates to the functions or business of the School.

This policy does not cover personal written communications (such as personal e-mails sent by staff). The School's Data Protection Policy establishes the standards regarding the use of "personal data" (as defined in the DPA).

## Procedures for Requesting Information

Practical guidance on handling information enquiries in line with the relevant legislation can be obtained from the School's Fol Officer.

The School has a duty under both the FoIA and EIR to provide advice and assistance to applicants making information requests. This includes assisting the applicant in making the application for information. Although no such duty exists under the DPA, the same level of care will be provided.

## Charges

The three information regimes contain different provisions that permit charges to be made for responding to information requests. The Governing Body may charge a fee for complying with requests, as calculated in accordance with FoIA regulations. If a charge is to be made, the School will give written notice to the



applicant before supplying the information requested.

## Processing Fees

The School does not charge for processing requests under the FoIA, providing that the cost of processing does not exceed the statutory limit of £450. This allows for 18 hours of staff time, at a rate of £25 per hour.

When estimating how long it will take to process a request, we take into account the time it will take us to locate, retrieve and extract the information requested; the cost of appropriately and securely communicating that information to you and staff time spent on carrying out the activities related to supplying the information.

We reserve the right to refuse a request where the estimated cost of processing exceeds £450. In such instances the School will still consider whether or not there is any information available which may be of interest that is available without charge.

Where we agree to process a request which exceeds the statutory limit of £450, you will be asked to pay our processing costs at a rate of £25 per hour.

Type	Description	Charges
Applicable amount – less than £450	Estimation of staff time taken to process – less than 18 hours	No charge (disbursements will be charged separately see below)
Applicable amount – more than £450	Estimation of staff time taken to process – more than 18 hours	Initial £450 plus any additional charges at £25 per hour (disbursements will be charged separately see below)

## Disbursement Fees

Any disbursements associated with the processing of your request are payable in advance. Examples of disbursements include, but are not limited to the costs of postage, reproducing the information and printing. See the table below for our most common disbursement fees. These are correct at the time of publication, however will be confirmed in any estimate to the requester in advance.

Paper	Black and White	Colour
A4	10p per sheet	50p per sheet
A3	20p per sheet	£1 per sheet
Other Sizes	Commercial rates apply and will be charged at the cost incurred.	
Materials	Charge	
Postage	Commercial rates apply and will be charged at the cost incurred.	
CD-ROM	£11 per disc	



Other Media	Cost of DVDs/USB Sticks at prevailing commercial rates.
Email	Nil. Recovered through staff time taken to collate and send.
Other	Commercial rates apply and will be charged at the cost incurred.

## Publication

Section 19 of the FoIA obliges the School to make information pro-actively available in the form of a “publication scheme”. This scheme will list categories, or “classes” of information that will routinely be made available without the need for a specific information request. The School will indicate in the scheme where it wishes to charge for providing particular categories of information. The scheme is provided at Annex A.

Whenever any information is provided in response to a recorded FoIA enquiry, the School will assess whether the information is suitable for wider publication. In general, there will be a presumption in favour of publishing such information on the School’s website.

## Withholding Information

The FoIA contains 23 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. The School will only withhold information if it falls within the scope of one or more of these exemptions.

Where an absolute exemption applies, the School can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the School decides that the public interest is best served by withholding the information. Certain exemptions also contain a “prejudice test”, which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption.

The School will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption.

The School will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a “public interest” exemption is being considered, the School will only withhold that information which it can demonstrate that the public interest will be best served by withholding. When considering withholding information under a non-absolute exemption the School will take into account whether the release of the information would:

- promote further understanding of current issues of public debate;
- promote the accountability of decisions taken by the School and the spending and allocation of public money;
- bring to light matters of public safety;
- allows the public to understand and challenge decisions made by the School;
- be otherwise in the public interest.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld. The applicant will also be given details of the right to challenge the decision through the School’s Governing Body



and the right of appeal to the Information Commissioner's Office.

Where a staff member plans to apply an exemption, he/she will consider whether other schools hold similar information. If this is considered likely, he/she may contact the relevant school(s) to ensure that a consistent response is provided to the applicant.

The School will also refuse to supply information under the FoIA, where the request is considered "vexatious" or "repeated" and under the EIR, where the request is considered 'manifestly unreasonable'.

## **Releasing a Third Party's Information**

Where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, the staff member that received the request will seek input from the FoI officer prior to the release of the information.

The release of third party information will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of the DPA. Both the EIR and FoIA permit information to be withheld when its release would breach the provisions of the DPA.

When the requested information relates to a living individual and amounts to "personal data" as defined in the DPA, its disclosure could breach the DPA. Therefore the release of third party personal information relating to living individuals will be considered in accordance with the data protection principles and, in particular, the "third party" provisions of the DPA.

Where appropriate, the School will contact the individual to ask for permission to disclose the information. If consent is not obtained, either because it was not considered appropriate to approach the third party or the third party could not be contacted or consent is refused. The School will then consider if it is reasonable to disclose the information, taking into account:

- any duty of confidentiality owed to the third party;
- the steps taken to seek consent;
- whether the third party is able to give consent and
- any express refusal of consent.

The decision to disclose third party information will also take into account the impact of disclosure on the third party, relative to the impact on the applicant of withholding the information. Where the third party has been acting in an official, rather than private capacity, the School will be minded to disclose the information, although decisions will be made on a case by case basis.

Where the information relates to a staff member, the provisions of the DPA will still apply in many circumstances but the nature of the information will influence the School's decision whether to release the information. Where the information relates to a matter clearly private to the individual, e.g. a disciplinary hearing, the information will almost certainly be withheld. However, where the information relates to the member of staff acting in their official capacity, e.g. an expenses claim, the information will normally be released. The exemption relating to the release of a third party's personal data will not be used to withhold information about administrative decisions taken by the School.

As the DPA only relates to living individuals, the exemption relating to Data Protection under both the EIR and



FoIA will not apply to information held about the deceased. Where the request might be controversial, the staff member will seek input from the FoI officer who will take advice from the Governing Body where necessary.

Where the third party is an organisation, rather than an individual, the provisions of DPA 2018 will not apply. The School will consider consulting the third party concerning the release of their information where:

- the views of the third party may assist the School to decide whether an exemption under the Act applies to the information and;
- in the event of the public interest test being applied, where the views of the third party may assist the School to make a decision relating to where the public interest lies.

Consultation will not be undertaken where:

- the School will not be disclosing the information due to some valid reason under the Act;
- the School is satisfied that no exemption applies to the information and therefore cannot be withheld; or
- the views of the third party will have no effect on the decision e.g. where there is other legislation preventing disclosure.

Where input from a third party is required, the response time for the request remains the same. Therefore it will be made clear to the third party at the outset that they have a limited time for their views to be provided and that where responses are not immediate, the decision to disclose may have to be made without their input in order for the School to comply with the statutory time limits dictated by the legislation.

The School will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially.

## **Information Held within Contracts with the School**

Any contractual information, or information obtained from organisations during the tendering process, held by the School are subject to the provisions of the FoIA and EIR. Whenever the School enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording will be included in contracts to cover the impact of FoIA and EIR in relation to the provision of information held in contracts.

The School can withhold contractual information where its disclosure under either the FoIA or EIR could be treated as actionable breach of confidence. Where the School intends to include non-disclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed.

The School will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.

Where information is not covered by the exemption relating to information accepted in confidence, a further



exemption specifically under FoIA may be relevant, relating to commercial interests. This exemption is subject to a “public interest” test. Whenever the School has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the School will make the final decision relating to the disclosure of the information.

The School can also withhold information contained in contracts where any of the other exemptions listed in the FoIA or EIR are appropriate, although information will only be withheld in line with the School’s policy on the use of exemptions. All future contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to an FoIA or EIR request.

## **Complaints Procedure**

Whenever the School withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the School’s complaints procedure and of the right of appeal to the Information Commissioner. Any complaint received will be dealt with in accordance with the School’s complaints procedure as detailed in its Complaints Policy. If the result of the complaints is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.

## **Requests made under the Data Protection Act**

The Data Protection Act entitles an individual to his or her ‘personal data’.

The parental right to receive information pertaining to the “educational record” of their child should continue to be administered under the Education (Pupil Information) (England) Regulations 2000. Whenever a request for personal data is received and is not covered by these regulations, the request will be administered in accordance with the relevant section of the School’s FoIA operating procedures.

Whenever a request is made under the DPA for personal data, the School will provide the applicant with the relevant information contained within files relating to that individual that is accessible under both the DPA and FoIA, subject to any exemptions.

Where it is not possible to remove third party information without rendering the response useless to the individual, the provision of third party information will be considered in line with section 7 of this policy regarding the disclosure of third party information.

The DPA contains the provision for numerous types of exemption. Therefore, whenever a member of staff is considering applying an exemption, he/she will seek the opinion of the FoI officer.

## **Illegal Actions**

It is a criminal offence under any of the three information regimes for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information request. Both the FoIA and EIR contain specific provisions to make such action a criminal offence.





## **Annex A. FoIA Publication Scheme**

### **Introduction**

One of the aims of the FoIA is that public authorities, including all maintained schools, should be clear and proactive about the information they will make public.

To do this the School must produce a publication scheme, setting out:

- the classes of information which the School 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 that is to be published in the future. All information in our publication scheme is either available for you on our website to download and print off or available in paper form upon request from the school.

Some information that we hold may not be made public, for example personal information. This publication scheme conforms to the model scheme for schools approved by the Information Commissioner. The Governing Body is responsible for maintenance of this scheme.

### **Aims**

The school aims to:

- enable every child to fulfil their learning potential, with education that meets the needs of each child;
- help every child develop the skills, knowledge and personal qualities needed for life and work.

**This publication scheme is a means of showing how we are pursuing these aims.**

### **Categories of Information Published**

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 into categories of information known as 'classes'. These are contained in the last section of this scheme:

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

- Governors' Documents –these include all governance documents and Minutes.
- Pupils & 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.

### **How to Request Information**

Many of the documents are available on our website (<http://www.bluecoatprimary.com/>), however should you require a paper version of any of the documents within the scheme, please contact the



school by telephone, email or letter. Contact details are set out below:

**Online Form:** <http://www.bluecoatprimary.com/contact>  
**Telephone:** 01453 525020  
**Address:** Blue Coat CEVA Primary School  
Symn Lane  
Wotton-under-Edge  
Gloucestershire  
GL12 7BD

To help us process your request quickly, please clearly mark any correspondence “**FOIA PUBLICATION SCHEME REQUEST**” (in CAPITALS please).

If the information you’re looking for isn’t available via the scheme and isn’t on our website, you can still contact the school to ask if we have it.

## Processing Fees

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Applicable amount – more than £450	Estimation of staff time taken to process – more than 18 hours	Initial £450 plus any additional charges at £25 per hour (disbursements will be charged separately see below)

Information published on our website is free, although you may incur costs from your Internet Service Provider. If you don’t have Internet access, you can access our website using a local library or an Internet café.

## Disbursement Fees

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Materials	Charge	
Postage	Commercial rates apply and will be charged at the cost incurred.	
CD-ROM	£11 per disc	
Other Media	Cost of DVDs/USB Sticks at prevailing commercial rates.	
Email	Nil. Recovered through staff time taken to collate and send.	
Other	Commercial rates apply and will be charged at the cost incurred.	

## Classes of Information Currently Published

### 1. Who We Are and What We Do

Organisational information, structures, locations and contacts:

- **Instrument of Government;** The Instrument of Government is the document that records the name and category of the school and the name and constitution of its Governing Body.
- **Annual Report;** Only maintained nursery schools are required to produce a Governor's Annual Report to Parents. Blue Coat School does not therefore produce such a report.
- **Governing Body;** The names of the Governors are available and the basis on which they have been appointed.
- **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 and website for the school together with the names of key personnel.

### 2. What We Spend and How We Spend It

Financial information about projected and actual income and expenditure, procurement, contracts and financial audit.

- **Pay Policy;** The statement of the school's policy and procedures regarding teachers' pay.
- **Staffing and Grading Structure**
- **Governors' Allowances;** Details of allowances and expenses that can be claimed or incurred.

### 3. What Our Priorities Are and How We Are Doing

Strategies and plans, performance indicators, audits, inspections and reviews.

- **School Performance Data;** Government-supplied performance data, Summary of latest Ofsted report (also available online), The required narrative sections covering areas such as: successes during the year; areas of improvement; efforts to meet the individual needs of every child; pupil's health, safety and support; and links with parents and the community
- **Performance Management Information;** Performance management policy and procedures adopted by the Governing Body.
- **Schools Future Plans;** Any major proposals for the future of the school involving, for example, consultation or a change in school status.
- **Safeguarding;** The policies and procedures that are in place to ensure that functions are exercised with a view to safeguarding and promoting the welfare of children in compliance with any guidance issued by the Secretary of State.

### 4. How We Make Decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures.

- **Admissions Policy/Decisions;** The school's admission arrangements and procedures, together with information about the right of appeal. Individual admission decisions are not published, but information on application numbers/patterns of successful applicants (including criteria on which applications were successful) will be if this information is held by the school.
- **Minutes of Meetings of the Governing Body and its Sub-Committees;** Approved Minutes, agendas and papers considered at such meetings will be published as soon as practicable, with the exception of information that is properly considered to be private to the meeting.

### 5. Our Policies and Procedures

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

- **School Policies;** This will include school policies and procedures together with other information related to the school such as charging and remissions policy, health and safety and risk assessment, complaints procedure, staff conduct policy, discipline and grievance policies, pay policy, staffing structure implementation plan.
- **Pupil and Curriculum Policies;** This will include such policies as curriculum, sex education, special educational needs, policies relating to disabled pupils, including facilities to improve access and the accessibility plan, and behaviour as well as the home-school agreement.
- **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 will be provided. Charging policies will include charges made for information routinely published. They will clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

## 6. Lists and Registers

Information held in registers and other lists and registers relating to our functions.

- **Curriculum Circulars and 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 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

## 7. The Services We Offer

Information about the services the school provides including leaflets, guidance and newsletters.

- **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 newsletter.**

## Information Not Generally Included

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.**