

Kilburn Infant & Nursery School

Freedom of Information Act 2000 Policy

Explanatory Notes

Governing bodies are responsible for ensuring that schools comply with the Freedom of Information Act 2000 (FoIA). Some aspects, such as charging are at the discretion of the Governing Board.

Introduction

Kilburn Infant and Nursery School is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

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. 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 DfE 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 enquirer's 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 a FOI enquiry. There is a time limit of 20 days excluding school holidays for

responding to the request.

For further information and guidance, see the DfE “Freedom of Information Act 2000 – A Guide for Maintained Schools on Full Implementation from January 2005.”

Scope

The FoI 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. 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.

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 in accordance with the procedures laid down by the local authority.

Publication Scheme

Kilburn Infant and Nursery School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner.

Dealing with Requests

We will respond to all requests in accordance with the procedures laid down by the local authority.

We will ensure that all staff are aware of the procedures.

Exemptions

Certain information is subject to either absolute or qualified exemptions.

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.

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.

Charging

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum.

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

Links with additional school policies

All policies of Kilburn Infant & Nursery School are reviewed and adopted by the Governing Body on a three-year cycle. All policies are available to view on request to the Head teacher, and some policies are sent out annually to parents/carers.

Many policies, practices and procedures are inter-related, including:

Accessibility; Admissions; Anti-bullying; Asthma; Assessment; Behaviour Principles; Breast Ironing; British Values; CCTV; Charging; Child Protection; Code of Conduct; Complaints; Confidential Reporting Code; Critical Incident Management Plan; Data Protection; Debt Management; Disciplinary Procedure for School Staff; Dinner Money; Disability; Drugs; Educational Visits; Equality; Exclusion; External Contributors; EYFS; First Aid; Financial Regulations; Financial Procedures; Food; Freedom of Information; Good Behaviour & Discipline; Governors' Expenses; Health & Safety; Homework; Home + School Agreements; Intimate/Personal Care; IT & Disaster Recovery; Looked After Children; Managing Allegations; No Smoking; Online Safety; Pay; Physical Intervention; Playground Behaviour; Promoting British Values; Private Fostering; Recruitment; Redundancy; School Travel Plan; SEN; Separated Parents; SMSC; Statement of Internal Control; Stress Management; Tackling Extremism & Radicalisation; Teacher Appraisal; Vexatious Complaints; Violence at Work; Zero Tolerance

Dissemination, Responsibility & Reviews

All relevant members of staff and the school community will receive a copy of this policy. Policy reviews/amendments will include statutory changes, and school community feedback and ideas.

The Head teacher and relevant staff will keep up to date with developments in this area by attending all relevant training, accessing literature, and cascading information to the school community.

J.Baillie
Head teacher

Policy reviewed by Governors: **Spring 2018**