



## BISHOP VESEY'S GRAMMAR SCHOOL

### Freedom of Information Policy

Date of last review	June 2019
Review prepared by:	Graham Swindells Finance Director & School Business Manager
Review date/by whom	29 June 2020 – Finance, Estates and People Committee
School adoption date (for reviewed policy):	29 June 2020
School's next review date/by whom:	Summer 2023
Signed by Chair of Finance Estates and People Committee:	



# Freedom of Information Policy

## 1.0 Introduction

The school will comply with:

- 1.1 The terms of the Freedom of Information Act 2000 and any other relevant legislation to ensure requests for access to information held by the school are treated in a manner that is fair and lawful.
- 1.2 Information and guidance displayed on the Information Commissioner's website:  
<https://ico.org.uk/>

## 2.0 Other Policies

- 2 This policy should be used in conjunction with the school's **Data Protection Policy and Data Retention Policy**.

## 3.0 Data Gathering and Storage

- 3.1 Information will only be gathered and stored for specified purposes.
- 3.2 In order to be able to respond to requests for information the school will implement effective records management policies to enable staff to identify whether data is held and, if it is, locate it quickly and easily.
- 3.3 The school's retention policies will be based on the guidance in the Information and Records Management Society's Records Management toolkit for schools and will be reviewed regularly in line with any updates to this toolkit.
- 3.4 Information held by the school will be regularly reviewed with a view to archiving or destruction, where appropriate.

## 4.0 Publication Scheme

- 4.1 The school will adopt and publish the appropriate model publication scheme (**Appendix 2**), as recommended by the DfE, and Information Commissioner and approved by school governors.
- 4.2 The school will take guidance from the ICO Definition Document for the governing bodies of maintained and other state-funded schools in England. <https://ico.org.uk/media/for-organisations/documents/1235/definition-document-schools-in-england.pdf>

## 5.0 Responding to Requests for Information (See Appendix 1 Checklist)

- 5.1 Theoretically any request for information is a request under the Freedom of Information Act, however this school has taken the decision that it will not consider any request that forms part of the normal pattern of work to be a Freedom of Information request. Only those requests which are considered to be outside the normal remit of the service provided will be recorded as Freedom of Information requests.
- 5.2 The school will assist applicants in making their request to have access to information held by the school.
- 5.3 Assistance will be given to applicants whose requests need to be transferred to another public authority (e.g. school, council, hospital).
- 5.4 The school will exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.



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- 5.5 The school will supply data requested within 20 working days (or in line with the Information Commissioner's current policy during school holidays), subject to any exemptions that may apply, and the estimated cost of complying with the request falling within the current defined charge limit. All requests for information will still be dealt with in compliance with the 20 working day deadline, whether they are recorded as Freedom of Information requests or not.
- 5.6 If a response will take longer than 10 working days to respond an acknowledgement will be sent to the person making the request, informing them when the information will be supplied. We recognise this does to allow the school to exceed the overall 20 working day deadline.
- 5.7 The charge limit is currently £450, calculated at 18 hours work at a flat rate of £25 per hour, as set by government statute. If the estimated cost of complying with the request does not exceed this amount the school is not entitled to make a charge for fulfilling the request.
- 5.8 A designated member of staff will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request on the school's tracking database.
- 5.9 Persons requesting data will be supplied with a copy of our complaints procedure upon request. Any complaints regarding Freedom of Information requests must firstly be addressed by the school. If, once we have had opportunity to reconsider our decision, we believe the initial response was correct the applicant shall be entitled to take the matter to the Information Commissioner's Office and, ultimately, to an Information Tribunal.
- 5.10 Copies of data supplied will be retained for two years from the date it was put into the public domain.
- 5.11 The school will keep a record of all requests received for monitoring purposes, noting:
- a) the date the request was received,
  - b) name and contact details of the person or organisation making the request,
  - c) the date the request was fulfilled or refused,
  - d) the reason for any exemption being applied,
  - e) the reason for any failure to meet the 20 day deadline.

### 6.0 Vexatious Requests and Exemptions

- 6.1 Under section 14 of the FOIA if the Committee receives several requests from the same person, or a series of requests that the Committee thinks are intended to disrupt its work, these may be treated as repeated or vexatious. In this case the Committee may refuse to provide the information requested but would issue a refusal notice within 20 school days from receipt of the request to the enquirer to explain the decision and reasons for withholding the information (Note: this must include information regarding the appeals process).
- 6.2 A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemption – absolute and qualified. In practice there are very few which are likely to be applied by the education sector.
- 6.3 The decision to apply absolute exemptions will not be taken by individual members of staff but by a constituted group of at least three of the following: Chair of Governors, other governors, Headteacher, Finance Director & School Business Manager.
- 6.4 The decision to apply qualified exemptions will not be taken by individual members of staff but by a constituted group of at least three of the following: Chair of Governors, other governors, Headteacher, Finance Director & School Business Manager. Even if the group decides information should not be disclosed, a public interest test will be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must be disclosed.
- 6.5 Advice will be sought from the Information Commissioner and the School's Legal Support Services Advisor if there is any doubt as to whether information should be disclosed.



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### 7.0 Appeals

- 7.1 Upon notification of a refusal to meet the request (either in part or in whole), the party making the request for information may appeal the decision. Any such appeal will be considered by the appeals committee consisting of three Governors convened by the Chair of Governors who have not taken part in the original committee proceedings.
- 7.2 The Appeals Committee will meet in a timely manner such that it can respond to the enquirer within 20 school days of the request being made.
- 7.3 If the enquirer is still not satisfied with the outcome they can commence the complaints process to the ICO. The complaint should be submitted within 6 months of the outcome of the internal review. The enquirer must provide supporting information and evidence along with the completed complaints form.
- This can be done via email to [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk) or by post to:
- First contact team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

### 8.0 Use of Information Provided

- 8.1 The Freedom of Information Act allows access to information, but it does not give the enquirer permission to re-use that information for commercial gain. Therefore, the enquirer may reproduce the School's copyright protected information free of charge, without specific permission, provided it is not being reproduced for profit, material or financial gain.
- 8.2 The material must be reproduced accurately and must not be used in a misleading context. If the enquirer is publishing the material or issuing it to others, they must acknowledge the source of the information, its copyright status and the date of publication, if known.
- 8.3 This permission to reproduce the school's copyright protected material does not extend to any material that is identified as being the copyright of a third party. Under those circumstances, the enquirer must seek authorisation to reproduce the material from the copyright holder concerned.



## Freedom of Information Policy

### Appendix 1

#### Checklist for action on receipt of a request for information

- Decide whether the request is a request under DPA (Data Protection Act 2018), or EIR (The Environmental Information Regulations 2004) or FOIA (The Freedom of Information Act 2000)
- Decide whether the school holds the information or whether it should be transferred to another body
- Provide the information if it has already been made public
- Inform the enquirer if the information is not held
- Consider whether a third party's interests might be affected by disclosure and if so consult them
- Consider whether any exemptions apply and whether they are absolute or qualified
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information
- If a request is made for a document that contains exempt personal information ensure that the personal information is removed as set out in the guidance for schools
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit
- Consider whether the request is vexatious or repeated

## Model publication scheme

### **Freedom of Information Act**

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority 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 authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

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 authority 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 authority 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.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.



## Freedom of Information Policy

### **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.

#### **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 authority.

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



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Where it is within the capability of a public authority, 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, a public authority 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 an authority 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.

### **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.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.





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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.

**Freedom of Information Guide to information available from Bishop Vesey's Grammar School under the publication scheme**

Information to be published	How the information can be obtained	Charge
<b>Who we are and what we do</b> <b>(Organisational information, structures, locations and contacts)</b> This will be current information only	(Hard copy and/ or website)	
Articles of Association	Website	
Governing body – names and contact details of the governors and the basis of their appointment	Website	
School session times, term dates and holidays	Website	
Location and contact information – address, telephone number and website	Website Prospectus	
Contact details for the Principal and the Governing Body	Website & Prospectus	
School Prospectus and Curriculum	Hard copy and website	
School Session times and term dates	Website	
GCSE results – a link to the data on the Department for Education's website	Website	



## Freedom of Information Policy

Information to be published	How the information can be obtained	Charge
<b>What we spend and how we spend it</b>	Website/Hard Copy	
The School's approved accounts and financial statements	Website	
Capital funding – details of capital funding allocated to the school.	Website	
Financial Audit Reports	Hard copy	
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 subject to exceptions Section 43 for Commercial Interests	Hard copy	
Pay policy – a statement of the Academy's policy on procedures regarding teachers' pay.	Website	
Staff pay and Grading – Salaries as reported in the Academies Financial Accounts	Website	
Governors' allowances – Details of allowances and expenses that can be claimed or incurred.	Website	



## Freedom of Information Policy

Information to be published	How the information can be obtained	Charge
<b>What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)	Website	
School profile <ul style="list-style-type: none"><li>• Government supplied performance data</li><li>• OFSTED report – summary and full report</li></ul>	Website	
Performance management information	Website	
Academy's future plans – any major proposals for the school eg Consultation on a change in School Status.	Website	
Child protection – policies and procedures on safeguarding and promoting the welfare of children.	Website	



## Freedom of Information Policy

<b>Information to be published</b>	<b>How the information can be obtained</b>	<b>Charge</b>
<b>How we make decisions</b> (Decision making processes and records of decisions)	Website/Hard copy	
Admissions policy - arrangements and procedures and right of appeal – include information on application numbers and number of successful applicants by each oversubscription criteria.	Website	
Governing body meeting agendas, papers and minutes – information that is properly considered to be private should be excluded.	Hard copy	



## Freedom of Information Policy

Information to be published	How the information can be obtained	Charge
<b>Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities) <b>Current information only</b>	Website	
School Policies and statements including:  Accessibility Plan  Admissions Policy  Anti-Bullying Policy  Asthma Policy  Attendance and Punctuality Policy  Behaviour Policy  BYOD AUP Policy  16-19 Student Financial Support Funding  Child Protection and Safeguarding Policy	Website	



## Freedom of Information Policy

Charging and Remissions Policy		
Concussion and Head Injury Policy		
Curriculum Policy		
Complaints Policy and Procedures		
Data Protection Policy		
Drugs Education and the Management of Drugs Policy		
Educational Visits Policy		
Equality and Diversity Policy		
E-Safety Policy		
Examinations Policy		
Exam Access Arrangements		
Freedom of Information Policy		
Gifted & Talented		
Home School Agreement		



## Freedom of Information Policy

<p>Internal Assessment Policy</p> <p>Lettings Policy</p> <p>Looked After Children Policy</p> <p>Managing E-Mail</p> <p>Medical Conditions Policy</p> <p>Privacy Notice – Pupil Data</p> <p>Pupil Premium Strategy Statement</p> <p>Pupil Premium Policy</p> <p>Sex and Relationships Policy</p> <p>Special Educational Needs Policy</p> <p>SEN School Offer (SEND Information Report)</p> <p>Student Financial Support Funding Policy</p> <p>VFM Statement</p> <p>Website Usage Terms and Conditions</p> <p>Whistle Blowing Policy</p>		
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## Freedom of Information Policy

<b>Information to be published</b>	<b>How the information can be obtained</b>	<b>Charge</b>
<b>Lists and Registers</b> Currently maintained lists and registers only	Website/Hard copy	
Curriculum circulars and statutory instruments	Hard copy	
Disclosure logs	Hard copy	
Asset register	Hard copy	
Any information the Academy is currently legally required to hold in publicly available registers	Website	



## Freedom of Information Policy

<b>Information to be published</b>	<b>How the information can be obtained</b>	<b>Charge</b>
<b>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	Website / Hardcopy	
Extra-curricular activities	Website / Hardcopy	
Out of school clubs	Website / Hardcopy	
School publications	Website / Hardcopy	
Services for which the Academy is entitled to recover a fee, together with those fees	Hardcopy	3p per sheet
Leaflets, booklets and newsletters	Website / Hardcopy	