Hope School and College.
Freedom of Information.

Policy reviewed annually by the Headteacher and Governors

Introduction

The Freedom of Information Act 2000 (FOIA) came fully into force on the 1st January 2005. The FOIA gives a right of public access to information held by public authorities. It is a legal right for any person(s) to ask for access to information held by Hope School and College.

Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.

The FOIA is overseen by the Information Commissioner who also has responsibility for the Data Protection Act 2018 (DPA), and The Environmental Information Regulations 2004 (EIRs). The DPA enables individuals to access information about themselves and is covered in a separate School policy. The EIRs enable people to access environmental information. The FOIA enables people to access all other information and reasoning behind decisions and policies, which do not fall under DPA or EIR.

The FOIA seeks to promote a culture of openness and accountability amongst public sector bodies, and therefore improve public understanding of how public bodies (which includes the governing bodies of schools, academies and schools) carry out their duties, why they make the decisions they do, and how they spend public money.

Hope School and College welcome this culture of openness and accountability and is committed to providing freedom of information. This policy sets out the School's response to the FOIA, and the ways in which the requirements of the Act will be enacted on a day to day basis.

The School must be clear and proactive about the information it makes public. This is achieved by producing a publication scheme, setting out:

- The classes of information which we publish or intend to publish
- The manner in which the information will be published
- Whether the information is available free of charge or on payment

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is accessible via the school's website, can be emailed or is available in paper form.

Some information which we hold may not be made public, for example personal information.

This publication scheme conforms to the model scheme for public authorities (which includes academy schools) approved by the Information Commissioner and accompanies this policy.

Information Held by the School

In general, the information held is already accessible, but within a framework which respects the confidentiality of some of that information, in particular with regard to individual children, school staff and governors or regarding any court orders (such information being subject to the Data Protection Act).

A comprehensive guide to the information published by the School is contained in our publication scheme.

Requests for Information

Any request for information beyond that which is already provided by the School (for example, through the Prospectus, or information about children to which parents already have access) should be made in writing (this includes email) to the Business Manager or Headteacher.

Section 8 of the FOIA states any request should state the applicant's name and address for correspondence and describe details of the information being requested. If a request is very general, the enquirer maybe contacted for clarification of the request. The person making the request for information can also indicate how they would like to receive the information and where possible these wishes will be complied with. If it is not possible to do so an alternative will be offered.

Any member of staff may be approached for information beyond which may be regarded as 'normal information'. In this context, 'normal' means the kind of information that teachers and other members of academy staff feel confident about giving, as opposed to requests for information which may seem of an intrusive or sensitive nature. If a member of staff receives such a request, they should avoid giving an immediate response and refer the request to the Executive Principal or Headteacher who may then either sanction a response or refer the request to the relevant person(s) or The School.

Under the FOIA the enquirer is entitled to be told whether the school holds the information (the duty to confirm or deny) except where certain exemptions apply.

Responding to Requests for Information

The Business Manager or Headteacher will respond to the request or assign this responsibility to a senior manager having decided whether the potential outcomes are:

□ Agreement to meet the request in full

□ Agreement to meet the request in part (with reasons)

□ Refusal to meet the request (with reasons)

The relevant person will respond to the enquirer within 20 school days (i.e. excluding weekends and school holidays) of the request being made.

The response to the request in some circumstances may take longer than 20 days. If a request is delayed for any reason (if further information is required/in order to identify and locate the information requested), the relevant person will keep the enquirer informed of the progress and where possible provide an expected date for a response.

Should a request be refused under Section 36 of the FOIA 2000 the response will state the relevant exemption which has been applied or that the school does not hold the information, and will explain what public interest test has made if this applies. The application of Section 36 needs to be approved by a qualified person, who will give their reasonable opinion that disclosure would or would not be likely to cause the types of prejudice or inhibition listed in the FOIA.

The Act states that requests should not be allowed to cause a drain on the academy or School's time, energy and finances to the extent that they negatively affect normal public functions (in excess of 3.5 days). The Headteacher can reserve the right to refuse a request if it is likely to be in excess of 3.5 days to find, sort and edit the information requested. Under these circumstances an opportunity for the request to be refined will be provided.

Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence. Further penalties can be applied under the Data Protection Act 2018.

Any expressions of dissatisfaction with the information provided or the decision to refuse to supply information by the Headteacher or Board of Governors should then be addressed to the Information Commissioner's Office (ICO).

Vexatious Requests

Under section 14 of the FOIA if the School receives several requests from the same person, or a series of requests that appear intended to disrupt its work, these may be treated as repeated or vexatious. In this case the School 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).

Appeals

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 Board of Governors or Data Protection Officer.

A nominated member of the Board of Governors or the Data Protection Officer will meet in a timely manner such that it can respond to the enquirer within 20 school days of the request being made.

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

or by post to:

First contact team

Information Commissioner's Office,

Wycliffe House,

Water Lane, Wilmslow

SK9 5AF

Use of Information Provided

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.

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.

This permission to reproduce 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.

Record Keeping

Records will be entered into a "Freedom of Information Requests Log" kept by the Business Manager of the School. A copy of the data disclosed shall be entered into the disclosure log. Such records will remain on file for a period of six years and will be disposed of at a set time in a calendar year.

The log will include details of:

- □ The party making the request for information;
- □ The date upon which the request was received and to whom it was addressed;
- □ If relevant, the date upon which the request was subsequently referred(internal/external);
- □ The nature of the information requested;
- □ The name of the relevant reporting member of senior staff if not the Headteacher;
- □ The outcome of deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- □ The response made to the party requesting the information, including the person nominated to implement the response, the date and format of the response and the details of the information provided.
- □ Any subsequent appeal made by the enquirer
- □ The date and time of any meeting convened by the Board of Governors or Data Protection Officer;
- □ The outcome of the appeals committee's deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- □ The response made by the appeals committee to the party making the appeal, including the person nominated to implement the response, the date and format of the response and the details of the information provided.

Charges

The maximum cost limit cannot exceed £450.00 and will only be charged if the work involved exceeds the 18-hour threshold. Any work involved over 18 hours will be charged at £25.00 per hour per person involved in locating, collating and retrieving information requested.

All requests for information will be subject to charges where appropriate to cover the costs of photocopying and postage.

If a fee is not received within 3 months of issuing a fee notice, we are no longer obliged to respond to the request.

Links with other policies

This policy is linked to the following:

Freedom of Information Publication Scheme Data

Protection Policy

This policy will be reviewed on a bi-annual basis.

Adopted by Governors on 27.1.26 Review

date January 2028