



# **WIMBLEDON PARK PRIMARY SCHOOL**

## **Freedom of Information Policy**

Approved: Chair of Governors

Headteacher

Date:

Date

Next revision:

## **Introduction**

Wimbledon Park Primary school supports and is committed to the principles of openness, transparency and accountability embodied in the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. This policy underlines this commitment.

## **Scope of the policy**

This policy has been established to ensure that school meets its legal obligations under the Freedom of Information Act and the Environmental Information Regulations, and related statutory codes of practice.

The policy applies to all information held by the school, its staff, departments, subsidiaries and agents, regardless of format, storage, medium or age. It also applies to information held by other organisations or individuals on behalf of the school.

Information held by the school includes not only information created by the school and its agents, but also information in the school's possession which originated from outside organisations or individuals, such as higher education institutions, regulatory bodies and private companies.

This policy and the procedures which implement it will ensure that the school conforms to the Act, Regulations and associated codes of practice, the key requirements of which are that:

- Information which is routinely published by the school is made available in accordance with the school's Freedom of Information Publication Scheme.
- Information which is not covered by the Publication Scheme is made available to enquirers on request, within 20 school days (or 60 working days, whichever is shorter), unless a valid exemption or limit applies.
- Exemptions under the Act and Regulations are applied appropriately, and in accordance with the legislation.
- A fair and efficient internal appeal system is administered.

## **Responsibilities**

The school has a corporate responsibility to ensure that it conforms to and implements the Freedom of Information Act and the Environmental Information Regulations. The school is accountable to the Information Commissioner for its compliance with the Act and Regulations. The person with overall responsibility for this policy is the Headteacher.

The Headteacher will ensure that procedures and systems within the school conform to this policy. They will provide training for other staff, co-ordinate the responses to more difficult or complex information requests and provide advice and assistance on Freedom of Information and Environmental Regulation issues.

Individual staff must handle information and requests for information in a way which complies with this policy and the schools' related procedures. Staff should note that deliberate concealment, amendment or destruction of information which has been subject to a Freedom of Information or Environmental Information request, in order to prevent its disclosure, is a criminal offence under the Act and regulations for which individual staff as well as the school can be held liable.

## **The Right of Access**

Requests under Freedom of Information 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 enquirers 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 an enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

We will provide access under Freedom of Information requests to information we hold in accordance with the procedures laid down in Appendix A.

### **The Publication Scheme**

The school is required by the Act to operate a publication scheme (see Appendix D). This is a guide to information that the school publishes or intends to publish routinely. It is intended that information will be made accessible unless there is a valid justification for not doing so. Effective implementation of the publication scheme will lead to fewer resources being required to fulfil access requests made under the Act. The publication scheme will be reviewed on a rotational basis with this policy.

### **Applicable Fees**

Where information is published in hard copy there may be a charge. Information available on the school's website will generally be free, although a charge may be made for printing.

Charges may be levied for both the material costs (paper, printing etc) and staff time involved in responding to requests. The calculation of these fees will be based upon the published advice of the Ministry of Justice or its successor. The school undertakes to inform the applicant of the likely cost within a reasonable time. Requests will be deemed to have expired after three months of notification of the charges if no payment is forthcoming.

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

### **Timescale**

The school will endeavour to provide the information requested within the statutory time limit of 20 working days. Where a fee is required the information will be provided within 20 working days of the receipt of the request (excluding any time period between the notification to the applicant of any fees and the receipt by the school of those fees). In the event that operational reasons make compliance with the 20 working day time limit impossible, the applicant will be contacted, offering them as much information as possible and giving a timeframe for the provision of the outstanding information.

### **The Provision of Information**

The school will provide advice and assistance where appropriate. In complying with the legislation the school may provide the information contained in its records in a different format to the one it is held in. The school will provide information in different formats where this will increase access to the information provided that the costs of doing so are within reason.

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.

Where, appropriate, the Headteacher or the Governing Body will consult the other to ensure that any information being released on behalf of the School meets with their approval. This is to ensure that proper consultation is made before release of information of a sensitive or confidential nature. For practical reasons, the consent of Chair or Vice Chair may be sufficient to meet any deadlines or

statutory time limit. No individual Governor may release information without the prior approval of the Headteacher/Chair of Governors.

### **Applying the Exemptions**

When responding to a request the intention will always be to provide as much information as possible. Where either an absolute exemption (See Appendix B) or a qualified exemption (See Appendix C) apply, the school will endeavour to still provide as much information as possible, either through editing out the exempt information or suggesting alternative sources of information.

### **Vexatious or Repeated Requests**

The school is not obliged to respond to vexatious or repeated requests. Requests that are judged to be vexatious or repetitive in nature will be answered by the Headteacher. Applicants have the right to appeal against such judgements through the school's complaints procedure.

### **Complaints and Appeals**

Should access to information be refused, the applicant may appeal in accordance with the school's complaints policy. Applicants have a further right of appeal to the Information Commissioner. The school will work together with the Office of the Information Commissioner to resolve such appeals.

### **Records Management**

Compliance with the Act requires effective records management. The school has adopted a records retention policy to ensure that this takes place.

### **Responsibility for Locating and Accessing Information**

Requests must be made in writing, addressed to the Headteacher, who will be responsible for ensuring that they are dealt with in accordance with this policy.

**It is a criminal offence to alter, deface, block, erase, destroy or conceal information to prevent disclosure**

## **Appendix A Procedure for Dealing with Requests**

1. To handle a request for information the governing body or delegated person will need to ask themselves a series of questions. These are set out below.

### **Is it a Freedom of Information request for information?**

2. Freedom of Information enquiries are concerned with all information other than personal information (data protection) and environmental information (relating to air, water, land, natural sites, built environment, flora and fauna and health). The request does not have to mention the Freedom of Information Act. All requests for information that are not data protection or environmental information requests are covered by the Freedom of Information Act.

### **Is this a valid Freedom of Information request for information?**

3. An Freedom of Information request should:

- be **in writing**, including email ( [office@wimbledonpark.merton.sch.uk](mailto:office@wimbledonpark.merton.sch.uk) ) or FAX;
- **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.

4. Verbal enquiries are not covered by the Freedom of Information Act. Such enquiries can 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, you should ask the enquirer to put the request in writing or email, when the request will become subject to Freedom of Information.

### **Does the school hold the information?**

5. "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**.

6. Information means both hard copy and digital information, including email.

7. If the school does not hold the information, you do not have to create or acquire it just to answer the enquiry, although a reasonable search should be made before denying that you have got information the school might be expected to hold.

### **Has the information requested already been made public?**

8. If the information requested is already in the public domain, for instance through your Publication Scheme or on your website, direct the enquirer to the information and explain how to access it.

### **Is the request vexatious or manifestly unreasonable or repeated?**

9. 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. This however does not provide an excuse for bad records management.

### **Can the school transfer a request to another body?**

10. If the information is held by another public authority, such as your local authority, first check with them they hold it, then transfer the request to them. You must notify the enquirer that you do not hold the information and to whom you have transferred the request. You should answer any parts of the enquiry in respect of information your school does hold.

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

11. 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. You do not need to consult where you are not going to disclose the information because you will be applying an exemption.

12. 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 you to determine if information is exempt from disclosure, or
- the views of the third party may assist you to determine the public interest.

### **Does an exemption apply?**

13. The presumption of the legislation is that you will disclose information unless the Act provides a specific reason to withhold it. There are more than 20 exemptions. They are set out in Appendix B and C and are mainly intended to protect sensitive or confidential information.

14. Only where you have real concerns about disclosing the information should you look to see whether an exemption might apply. Even then, where the potential exemption is a qualified exemption, you need to consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. Therefore, unless it is in the public interest to withhold the information, it has to be released.

### **What if the request is for personal information?**

15. Personal information requested by the subject of that information is exempt under the Freedom of Information 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 if they wish to access such information.

### **What if the details contain personal information?**

16. Personal information requested by third parties is also exempt under the Freedom of Information 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 as set out in the redaction procedure. The procedure for redaction is:

- i) mask the passages which are not to be disclosed and photocopy;
- ii) annotate in the margin against each blank passage, the exemption and section of the Act under which this passage is exempt;
- iii) explain in the covering letter that the relevant exemptions are marked in the attachments and in the case of non-absolute exemptions, how the public interest test has been considered.

On no account must you use the computer to rewrite the document or email and simply delete the exempted passages so that the resulting document appears as though they did not exist. The one circumstance where this would be permissible would be where the only redacted parts are personal information such as people's names and the covering letter explains this.

### **How much can we charge?**

17. The Act allows governing bodies to charge for providing information.

18. The first step is to determine if the threshold (currently £450) would be exceeded. Staff costs should be calculated at £25 per hour. You can take account of the costs of determining if the information is held, locating and retrieving the information, and extracting the information from other documents. You cannot take into account the costs involved in determining whether information is exempt.

19. If a request would cost less than the appropriate limit, (currently £450) the school can only charge for the cost of informing the applicant whether the information is held, and communicating the information to the applicant (e.g. photocopying, printing and postage costs). If a request would cost more than the appropriate limit, (£450) the school can turn the request down, answer and charge a fee, or answer and waive the fee. If it decides to charge a fee, and does not have other powers to do so, it can charge on the basis of the costs outlined in the policy.

20. Schools will however wish to consider whether calculating the cost of the fee outweighs the cost of providing the information. In practice we recommend that schools respond to straightforward enquiries free of charge and charge where the costs are significant.

21. If you are going to charge you must send the enquirer a fees notice and do not have to comply with the request until the fee has been paid.

### **Is there a time limit for replying to the enquirer?**

22. Compliance with a request must be prompt and certainly within the legally prescribed limit of 20 working days, excluding school holidays. Failure to comply could result in a complaint to the Information Commissioner. The response time starts from the time the request is received. Where you have asked the enquirer for more information to enable you to answer, the 20 days start time begins when this further information has been received.

23. If a qualified exemption applies and you need more time to consider the public interest test, you should 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. This should be within a "reasonable" time – in practice, it is recommended by the Department that normally this should be within 10 working days.

24. Where you have notified the enquirer that a charge is to be made, the time period stops until payment is received and then continues again once payment has been received.

### **What action is required to refuse a request?**

25. 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, you need to send a refusals notice, which must contain

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

26. 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 responsible person must 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 should be retained for 5 years. There are no requirements to keep records where you have supplied the information requested.

### **What do I do if someone complains?**

27. Any written (including email) expression of dissatisfaction - even if it does not specifically seek a review – should be handled through the school's existing complaints procedure which should be fair and impartial. The procedure should be clear and non bureaucratic. Wherever practicable the review should be handled by someone not involved in the original decision. The Governing Body should set and publish a target time for determining complaints and information on the success rate in meeting the target. The school should maintain records of all complaints and their outcome.

28. When the original request has been reviewed and the outcome is that the information should be disclosed this should be done as soon as practicable. When the outcome is that procedures within the school have not been properly followed, the school should review procedures to prevent any recurrence. When the outcome upholds the school's original decision or action, the applicant should be informed of their right to appeal to the Information Commissioner. The appeal should be made in writing to:

FOI Compliance Team (complaints)  
Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF

## **Appendix B - Absolute exemptions:**

- It is reasonably accessible to the applicant by other means even if this involves payment; (Sect. 21)
- It is information supplied by, or relating to bodies dealing with security matters; (Sect. 23)
- It constitutes court records; (Sect. 32)
- It is required for the purpose of avoiding an infringement of the privileges of either House of Parliament; (Sect. 34)
- Disclosure would prejudice the effective conduct of public affairs; (Sect. 36)
- It is personal data the disclosure of which would contravene the Data Protection Act; (Sect. 40)
- It was provided in confidence; (Sect. 41)
- Its disclosure is prohibited by any enactment, is incompatible with a Community obligation, or would constitute contempt of court; (Sect 44)

**Information protected by absolute exemptions is not made available to applicants, and the school is not obliged to confirm or deny that such information is held.**

## **Appendix C - Qualified exemptions:**

- It is intended for publication at a later date and can reasonably be withheld until publication; (Sect. 22)
- It is required for the purpose of safeguarding national security; (Sect. 24)
- Its disclosure would prejudice the defence of the realm; (Sect. 26)
- Its disclosure would prejudice international relations; (Sect. 27)
- Its disclosure would prejudice relations between the administration of the UK and any other such administration; (Sect. 28)
- Its disclosure would prejudice the economic interests or financial interest of the UK, or any administration in the UK; (Sect. 29)
- It is information held for criminal investigations or proceedings; (Sect. 30)
- It is information which has been used or was obtained to investigate, detect or prevent crime or other areas of law enforcement; (Sect. 31)
- It is some form of information held by a public authority for audit functions; (Sect. 33)
- It is data which relates to the formulation of government policy, ministerial communications, provision of advice by any of the Law Officers, or the operation of any Ministerial private office; (Sect. 35)
- Disclosure would prejudice the effective conduct of public affairs (excluding matters covered under the absolute exemption for this area); (Sect. 36)
- It is data which relates to communications with members of the Royal Family or Household, or the conferring of Crown honours or dignities; (Sect. 37)
- Disclosure would endanger an individual's physical or mental health or safety; (Sect. 38)
- It is environmental information covered by the Environmental Information Regulations; (Sect. 39)
- It is personal data (concerning a third party) the disclosure of which would contravene the Data Protection Act; (Sect. 40). (The duty to confirm or deny does not apply to this information.)
- It is subject to legal professional privilege; (Sect. 42)
- Disclosure would be prejudicial to commercial interests; (Sect. 43)

**For qualified exemptions the school must confirm or deny that such information exists, even if a public interest test exempts such information, unless the statement of confirmation/denial would itself disclose exempt information.**

## Appendix D :

# Information available from Wimbledon Park Primary School under the Freedom of Information model publication scheme

There is no charge for information that can be downloaded or accessed online. Documents that need to be printed or copied will be charged at 1p per page for black and white copies and 10p per page for colour copies. If documents are requested to be posted to the applicant, the actual cost of postage will be charged.

<b>Information to be published</b>	<b>How it can be obtained</b>
<b>1. Who we are and what we do</b>	
Who's who in the school	Website
Who's who on the governing body and the basis of their appointment	Website
Instrument of Government	Document
Contact details for the Head teacher and for the governing body	Website
School prospectus	Website
Staffing structure	Website
School session times and term dates	Website
<b>2. What we spend and how we spend it</b>	
Annual budget plan and financial statements	Document, <a href="http://www.education.gov.uk/schools/performance/">http://www.education.gov.uk/schools/performance/</a>
Capitalised funding	Document, <a href="http://www.education.gov.uk/schools/performance/">http://www.education.gov.uk/schools/performance/</a>
Additional funding	Document, <a href="http://www.education.gov.uk/schools/performance/">http://www.education.gov.uk/schools/performance/</a>
Procurement and projects	Document, <a href="http://www.education.gov.uk/schools/performance/">http://www.education.gov.uk/schools/performance/</a>
Pay and Appraisal policy	Document
Staffing and grading structure	Document
Governors' allowances	Document
<b>3. What our priorities are and how we are doing</b>	
Government supplied performance data	<a href="http://www.education.gov.uk/schools/performance/">http://www.education.gov.uk/schools/performance/</a>
Ofsted report	Website <a href="http://fluencycontent2-schoolwebsite.netdna-ssl.com/FileCluster/WimbledonParkFirst/MainFolder/Content/School_information/Academic/documents/Wimbledon-Park-Primary-School-Ofsted-Report-2016.pdf">http://fluencycontent2-schoolwebsite.netdna-ssl.com/FileCluster/WimbledonParkFirst/MainFolder/Content/School_information/Academic/documents/Wimbledon-Park-Primary-School-Ofsted-Report-2016.pdf</a>
School Development Plan	Website

