

# **St. Osmund's Middle School**

## **Freedom of Information Policy & Publication Scheme**

---

### **Aims and Objectives**

The school aims to enable every child to:

- Fulfil their learning potential, with education that meets their individual needs.
- Develop the skills, knowledge and personal qualities needed for life and work.

The objective of this policy and publication scheme is to demonstrate our commitment to these aims by applying the principles of openness, transparency and accountability, as well as enabling school to meet its legal obligations under the Freedom of Information Act 2000 (FOIA).

### **Introduction**

The Governing Body is responsible for ensuring compliance with the FOIA but day to day responsibility for compliance has been delegated to the Head teacher. The FOIA came fully into force on 1<sup>st</sup> January 2005 and provides a general right of access to information held by the school irrespective of when it was obtained or created and the format in which it is held.

Information will be considered to be 'held' by the school if:

- the school has created it;
- the school has received it from another body or person;
- it is held by another body on the school's behalf.

### **Scope**

Verbal enquiries do not constitute an FOIA request but many such enquiries are relatively straightforward and will be dealt with satisfactorily on an informal basis. However, for more complex enquiries or where it is anticipated that the information being requested may be exempt from disclosure, requestors may be instructed to submit a written request.

Requests from individuals to access personal information which relates to them are exempt from the provisions of the FOIA and will be processed in accordance with the Data Protection Act 2000. Similarly, requests relating to environmental information are also exempt and will be processed under the Environmental Information Regulations 2004.

The FOIA provides certain specific exemptions in respect of the requirement for the school to disclose information in response to a request. There is a general presumption in favour of disclosure and exemptions will only be invoked where there is either a legal obligation to do so or where there is a clear public interest in doing so.

### **Statutory Obligations**

The school will comply with its legal obligation to:

- provide advice and assistance to anyone requesting information;
- confirm or deny if the requested information is held;
- provide access to all requested information within the statutory time limit and fees structure, as governed by The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004;
- adopt and maintain a Publication Scheme with a view to proactively making information available.

### **Providing Advice and Assistance**

Any written request for information is a potential FOIA request (including emails and faxes) as there is no requirement to mention the legislation. A request does not have to state the reason for the request but it must provide sufficient detail to enable it to be located. If it does not do so or where it is reasonable to require any further details in order to process the request, the school will inform the requestor of that fact without undue delay.

Where the school does not hold the requested information but it is known which organisation does, the school will either pass those details on to the requestor or transfer the request to that organisation and inform the requestor of that fact.

### **Confirm or Deny Whether Information is Held.**

In response to a request for information, the school will confirm or deny that the information being requested is held by the school, unless to do so would prejudice any exemption to disclosure which may apply.

### **Time Limits**

The school will comply with its legal obligation to comply with a request within 20 working days (excluding school holidays). Where the school reasonably requires further details in order to process the request, the statutory time limit will not start until it has received the required details.

Where necessary, the statutory time limit may be suspended whilst consideration is given to the application of any relevant exemptions. In compliance with the FOIA, any such suspension will be reasonable and the requestor will be informed of the suspension within the 20 working day time limit, as well as being given a realistic estimate as to when a decision can be expected.

### **Fees**

The school is not obliged to comply with any request which would cost more than the appropriate limit to process, this is currently £450. When calculating the cost, direct costs such as printing / photocopying can be taken into account, as well as labour at £25 per hour. However, the FOIA states that time taken to consider whether an exemption applies can not be taken into account when calculating the cost of compliance.

Where the cost of complying with a request would exceed this limit, the FOIA affords the school the discretion to either refuse the request outright, to provide the information

free of charge or to offer to provide the information on the condition that the requestor agrees to pay the full costs incurred in doing so.

If the cost of compliance is below the statutory limit, the school is only permitted to levy a 'reasonable' charge for printing, photocopying and postage (in the case of photocopying, it has been established that 10 pence per page is reasonable). The requestor will be informed of the total charge due and the request will not be processed once the fee has been received.

### **Vexatious or Repeat Requests**

The FOIA states that there is no obligation to comply with vexatious requests i.e. requests which is designed to cause inconvenience, harassment or expense rather than to obtain information, where this would require a substantial diversion of resources or would otherwise undermine the work of the school.

Similarly, there is no requirement to comply with identical or substantially similar requests from the same requestor unless a "reasonable" interval has elapsed between requests.

### **Exemptions**

Although the FOIA requires that the school approaches decisions on disclosure with a presumption of openness, there are certain circumstances where the need to preserve confidentiality and protect sensitive information is such, that it would be inappropriate to disclose it.

For this reason, the FOIA contains over 20 exemptions from the duty to disclose, some of which are very specific to particular areas (such as National Security) and are extremely unlikely to apply to information held by the school.

There are two general categories of exemptions, which are:

- **Absolute** – there is no requirement to disclose the information.
- **Qualified** – even if it is determined that an exemption applies, there is a legal duty to apply the Public Interest Test.

However, just because a document may contain exempt information, it does not mean that the whole document will be exempt from disclosure. Where possible, the school will edit the document to enable as much information as possible to be made available.

### **Public Interest Test**

Where it has been decided that a qualified exemption may apply, the school will fulfil its legal obligation to subject it to the Public Interest Test. This involves examining whether the public interest in disclosing the information, outweighs the public interest in maintaining the exemption. If it is decided that it does, the information will be disclosed, if not, the exemption will apply and the information will not be disclosed. Where Public Interest Test finds the case to be equally balanced, the presumption of openness will prevail and the information will be disclosed.

### **Refusal to Supply Requested information**

Where the school refuses to disclose all or part of the information requested, the following details will be given in writing to the requestor within the statutory 20 working day time limit:

- the fact that the school cannot provide all or part of the information requested;
- an explanation of costs if refusal is based on cost of compliance;
- details of which exemptions apply and the reasons why, unless doing so would prejudice the very purpose of the exemption;
- in the case of qualified exemptions, how the public interest test was applied, specifying the public interest factors taken into account before reaching the decision;
- reasons for determining that a request is a vexatious or repeated request;
- details of the internal complaints procedure.

### **Publication Scheme**

One of the principle aims of the FOIA is that public authorities, including all maintained schools, should be proactive in making information available to the public and this is achieved by the requirement to establish a Publication Scheme. This contains many of the documents, policies, plans and guidance which have or may be regularly requested.

Upon receipt of a Freedom of Information request for information included in the Publication Scheme, the school may choose to apply an exemption from disclosure by virtue of it being available by other means. This is an absolute exemption which means that it is not subject to the Public Interest Test. The effect of this is that the school is not bound by the normal fees regulations and may make a charge for supplying a copy of the information including reasonable labour costs, even where the total cost is below the £450 limit.

Material contained within the publication scheme, and a copy of the scheme itself, will be readily available. Information published on the school website can be downloaded or printed off free of charge. If you do not have Internet access, our website can be accessed from a local library or an Internet café but doing so may incur a cost.

A single copy of any item included in the Publication Scheme will be provided free of charge unless the presence of a £ sign indicates that there is a charge for that particular item. Where there is a charge for supplying a copy, the requestor will be informed of the cost in order to make a decision as to whether they agree to the charge.

The publication scheme sets 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 classes of information that we undertake to make available are organised into four broad topic areas:

- School Prospectus - information published in the school prospectus;
- Governors' Documents - information published in the School Profile and in other governing body documents;
- Pupils & Curriculum - information about policies that relate to pupils and the school curriculum;
- School Policies and other information which relates to the school in general.

### **Complaints**

Any complaints relating to freedom of information requests will be dealt with through the school's normal complaints procedure. The school will aim to determine all complaints within [??] days of receipt. If after investigation, the complaint is not upheld, then the school will inform the complainant of their right to appeal to the Information Commissioner at:

FOI Complaints  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**The following has been taken from the model publication scheme and will need to be amended as necessary. £ signs need to be added to final column where it is intended to charge to provide a copy of any item.**

### Classes of Information Currently Published

Class	Description	£
<b>School Prospectus</b>	<p>Statutory contents of the school prospectus:</p> <ul style="list-style-type: none"> <li>• information about the implementation of the governing body's policy on pupils with special educational needs (SEN) and any changes to the policy during the last year;</li> <li>• a description of the arrangements for the admission of pupils with disabilities;</li> <li>• details of steps to prevent disabled pupils being treated less favourably than other pupils;</li> <li>• details of existing facilities to assist access to the school by pupils with disabilities;</li> <li>• the accessibility plan (required under the Disability Discrimination Act 1995) covering future policies for increasing access to the school by those with disabilities;</li> </ul> <p>Items which the school voluntarily includes in the school prospectus:</p>	
<b>School Profile</b>	<p>The school profile is comprised of 'narrative' sections which the school will complete, and 'pre-populated' sections of statistical information inserted into the document by the DCSF.</p> <p>Subject headings for the narrative sections, which the school completes, are:</p> <ul style="list-style-type: none"> <li>• What have been our successes this year?</li> <li>• What are we trying to improve?</li> <li>• How have our results changed over time?</li> <li>• How are we making sure that every child gets teaching to meet their individual needs?</li> <li>• How do we make sure our pupils are healthy, safe and well-supported?</li> <li>• What have we done in response to Ofsted?</li> <li>• How are we working with parents and the community?</li> </ul> <p>Subject headings for the pre-populated sections of statistical information inserted by the DCSF:</p> <ul style="list-style-type: none"> <li>• ???</li> <li>• ???</li> <li>• ???</li> </ul>	
<b>Instrument of Government</b>	<ul style="list-style-type: none"> <li>• The name of the school;</li> <li>• The category of the school;</li> <li>• The name of the governing body;</li> <li>• The manner in which the governing body is constituted;</li> </ul>	

St. Osmund's Middle School  
Freedom of Information Policy & Publication Scheme

Class	Description	£
	<ul style="list-style-type: none"> <li>• The term of office of each category of governor if less than 4 years;</li> <li>• The name of any body entitled to appoint any category of governor;</li> <li>• Details of any trust;</li> <li>• If the school has a religious character, a description of the ethos;</li> <li>• The date the instrument takes effect.</li> </ul>	
<b>Minutes of the governing body and its committees</b>	<ul style="list-style-type: none"> <li>• Agreed minutes of meetings of the governing body and its committees [<i>current and last full academic school year</i>].</li> </ul>	
<b>Home – school agreement</b>	<ul style="list-style-type: none"> <li>• Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school.</li> </ul>	
<b>Curriculum Policy</b>	<ul style="list-style-type: none"> <li>• Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school.</li> </ul>	
<b>Sex Education Policy</b>	<ul style="list-style-type: none"> <li>• Statement of policy with regard to sex and relationship education.</li> </ul>	
<b>Special Education Needs Policy</b>	<ul style="list-style-type: none"> <li>• Information about the school's policy on providing for pupils with special educational needs.</li> </ul>	
<b>Accessibility Plans</b>	<ul style="list-style-type: none"> <li>• Plan for increasing participation of disabled pupils in the school's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils.</li> </ul>	
<b>Race Equality Policy</b>	<ul style="list-style-type: none"> <li>• Statement of policy for promoting race equality</li> </ul>	
<b>Collective Worship</b>	<ul style="list-style-type: none"> <li>• Statement of arrangements for the required daily act of collective worship</li> </ul>	
<b>Careers Education Policy</b>	<ul style="list-style-type: none"> <li>•</li> </ul>	
<b>Child Protection Policy</b>	<ul style="list-style-type: none"> <li>• Statement of policy for safeguarding and promoting welfare of pupils at the school. (<i>from March 2004</i>).</li> </ul>	
<b>Pupil Discipline</b>	<ul style="list-style-type: none"> <li>• Statement of general principles on behaviour and discipline and of measures taken by the head teacher to prevent bullying.</li> </ul>	
<b>Published reports of Ofsted referring expressly to the school</b>	<ul style="list-style-type: none"> <li>• Published report of the last inspection of the school and, where appropriate, inspection reports of religious education in those schools designated as having a religious character.</li> </ul>	

St. Osmund's Middle School  
Freedom of Information Policy & Publication Scheme

Class	Description	£
<b>Ofsted inspection Self-Evaluation Form</b>	A statement of the governing body's evaluation of the school's performance.	
<b>Charging and Remissions Policies</b>	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publications, music tuition, trips.	
<b>School session times and term dates</b>	Details of school session and dates of school terms and holidays.	
<b>Health and Safety Policy and risk assessment</b>	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy.	
<b>Complaints procedure</b>	Statement of procedures for dealing with complaints.	
<b>Performance Management of Staff</b>	Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures.	
<b>Staff Conduct, Discipline and Grievance</b>	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance.	
<b>Pay Policy</b>	Statement of the school's policy regarding teachers' pay including procedures for determining teachers' grievances in relation to their pay.	
<b>Staffing Structure Implementation Plan</b>	The school's plan for the implementation of any changes to its staffing structure following statutory review.	
<b>Curriculum circulars and statutory instruments</b>	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the head teacher or governing body relating to the curriculum.	
<b>Admissions policy</b>	Statement of the schools policy on admissions.	
<b>Annex A - Other documents</b>	Annex A provides a list of other documents that are held by the school and are available on request.	

