



Freedom of Information Policy

Ratified by Staff & Student Wellbeing Committee – 23rd March 2021

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1. Introduction

- 1.1 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 Lymm High School.
- 1.2 Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.
- 1.3 The FOIA is overseen by the Information Commissioner who also has responsibility for the General Data Protection Regulations Act 2018 (GDPR), and The Environmental Information Regulations 2004 (EIRs). The GDPR enables individuals to access information about themselves and is covered in a separate Lymm High 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 GDPR or EIR.
- 1.4 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 trusts, academies and schools) carry out their duties, why they make the decisions they do, and how they spend public money.
- 1.5 Lymm High School welcomes this culture of openness and accountability and is committed to providing freedom of information. This policy sets out Lymm High 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.
- 1.6 Lymm High 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
- 1.7 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 Lymm High School's website, can be emailed or is available in paper form.
- 1.8 Some information which we hold may not be made public, for example personal information.
- 1.9 This publication scheme conforms to the model scheme for schools, colleges and academies approved by the Information Commissioner.

2. Information Held by Lymm High School

- 2.1 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 General Data Protection Regulation Act).
- 2.2 A comprehensive list of the documents and other information published by Lymm High School is provided in Appendix 1 entitled "Model Publication Scheme"

3. Requests for Information

- 3.1 Any request for information beyond that which is already provided by Lymm High 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 Head Teacher of Lymm High School.
- 3.2 Section 8 of the FOIA states any request should state the applicants 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 wishers will be complied with. If it is not possible to do so an alternative will be offered.
- 3.3 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 school 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 Head Teacher who may then either sanction a response or refer the request to the relevant person(s) or governing body.
- 3.4 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.

4. Responding to Requests for Information (see checklist at Appendix 2)

- 4.1 The Head Teacher 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)
- 4.2 The relevant person will respond to the enquirer within 20 school days* or 60 working days of the request being made, whichever is the shorter period.
- 4.3 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.
- 4.4 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, which in this case is the Head Teacher, 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. [Note: further guidance on this exemption can be found at www.ico.gov.uk].
- 4.5 The Act states that requests should not be allowed to cause a drain on Lymm High School's time, energy and finances to the extent that they negatively affect normal public functions.

The Head Teacher can reserve the right to refuse a request if it is likely to be in excess of 18 hours to find, sort and edit the information requested. Under these circumstances an opportunity for the request to be refined will be provided.

- 4.6 Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.
- 4.7 Any expressions of dissatisfaction with the information provided or the decision to refuse to supply information by Lymm High School's Appeals Committee should then be addressed to the Information Commissioner's Office (ICO).

*School days exclude weekends, training days and school holidays.

5. Vexatious Requests

Under section 14 of the FOIA if Lymm High 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 Lymm High 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).

6. Appeals

- 6.1 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 an Appeals Committee.
- 6.2 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.
- 6.3 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 or by post to:

First Contact Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

7. Use of Information Provided

- 7.1 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 Lymm High School's copyright protected information free of charge, without specific permission, provided it is not being reproduced for profit, material or financial gain.

- 7.2 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.
- 7.3 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.

8. Record Keeping

- 8.1 Records will be entered into a "Freedom of Information Requests Log" kept by the Business Manager to Lymm High School/Head Teacher's PA. 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.
- 8.2 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 Head Teacher;
 - 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 Appeals Committee;
 - 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.

9. Charges

- 9.1 There is no obligation to disclose information if the total cost exceeds £450. The school reserves the right to refuse a request if the work would exceed a cost of £450 (the 18 hour threshold). Should Lymm High School agree to comply with any request exceeding the £450 cost limit, the work will be charged at £25 per hour per person involved in locating, collating and retrieving the information requested.
- 9.2 All requests for information will be subject to charges where appropriate to cover the costs of photocopying and postage.
- 9.3 If a fee is not received within 3 months of issuing a fees notice we are no longer obliged to respond to the request.

10. Policy Review

This policy will be reviewed every 3 years.

This document contains classes of information currently published by Lymm High School. This is usually found on the relevant website but different formats can be provided for those unable to access this.

- 1. Academy Prospectus** - this section sets out information published in the Lymm High School prospectus and/or on the Lymm High School website.

Class	Description
Lymm High School Prospectus and website	<p>The statutory contents of Lymm High School’s prospectus are as follows, (other items may be included at Lymm High School’s discretion):</p> <ul style="list-style-type: none"> • the name, address and telephone number of Lymm High School • the names of the Head Teacher and Chair of Local Governing Body. • information about admissions. • a statement of Lymm High School’s ethos and values. • details of any affiliations with a particular religion or religious denomination, the religious education provided, parents’ right to withdraw their child from religious education and collective worship and the alternative provision for those pupils. • information about Lymm High School’s policy on providing for pupils with special educational needs. • number of pupils on roll and rates of pupils’ authorised and unauthorised absences. • the arrangements for visits to the school by prospective parents

- 2. Pupils & Curriculum Policies** – this section gives access to information about policies that relate to pupils and Lymm High School’s curriculum.

Class	Description
Home – Lymm High School agreement	Statement of Lymm High School’s aims, values and responsibilities, parental responsibilities and Lymm High School’s expectations of its students, for example homework arrangements
Curriculum Policy (including Careers Education)	Statement on following the policy for the secular curriculum subjects, careers education programme and religious education and schemes of work and syllabuses currently used by Lymm High School
Sex and Relationship Education Policy	Statement of policy with regard to sex and relationship education

Special Education Needs Policy	Information about Lymm High School's policy on providing for students with special educational needs
Behaviour Policy	Statement of general principles on behaviour and discipline and measures taken to prevent bullying
Accessibility plan	Plan for increasing participation of disabled pupils in Lymm High School's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils
Child Protection and Safeguarding Policy	Statement of policy for safeguarding and promoting welfare of students at Lymm High School
Public Sector Equality Duty	Statement of policy for promoting equality

3. Other policies and other information related to Lymm High School – this section gives access to information about policies and other data that relate to Lymm High School in general.

Class	Description
Published reports of Ofsted referring expressly to Lymm High School	Published report of the last inspection of Lymm High School
Charging and Remissions Policy	A statement of Lymm High School's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted
Academy session times and term dates	Details of Lymm High School session and dates of Lymm High School terms and holidays
Health and Safety Policy and risk assessment	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
Complaints procedure	Statement of procedures for dealing with complaints
Staff Disciplinary Procedure	Statement of procedure for regulating conduct and discipline of Lymm High School staff
Grievance Procedure	Procedures by which staff may seek redress for grievance

Admissions Policy	Statement of Lymm High School's policy on admissions
Website address	The website address for Lymm High School
Lymm High School Details	For Lymm High School the name, postal address and telephone number of the school, and the name of a person to whom enquiries should be addressed
KS4 Results for Secondary academies	The school's most recent key stage 4 results as published on the Department for Education's website:

	<p>(a) "% achieving 5 + A* - GCSEs (or equivalent) including English and Maths GCSEs";</p> <p>(b) "% achieving the English Baccalaureate"; and</p> <p>(c) "% of pupils making expected progress".</p>
Pupil Premium Allocation and spending plans	The amount of the school's allocation from the Pupil Premium grant in respect of the current academic year; details of how it is intended that the allocation will be spent; details of how the previous academic year's allocation was spent, and the effect of this expenditure on the educational attainment of those pupils at the school in respect of whom grant funding was allocated.
Statement of ethos and values	A statement detailing the ethos and values of Lymm High School.

APPENDIX 2

Checklist for action on receipt of a request for information

- Decide whether the request is a request under GDPR (General Data Protection Regulation 2018), EIR (The environmental information regulations 2004) or FOIA (The freedom of information act 2000)
- Decide whether Lymm High 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

Remember

Public bodies such as Lymm High School are under a duty to provide advice and assistance to anyone requesting information.

The enquirer is entitled to be told whether Lymm High School holds the information (the duty to confirm or deny) except where certain exemptions apply.

A well-managed records and management information system is essential to help to meet requests.

Requests should be dealt with within 20 working days excluding Lymm High School holidays.

Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence. A valid FOI request should be in writing, state the enquirer's name and correspondence address and describe the information requested.

Expressions of dissatisfaction should be handled through Lymm High School's existing complaints procedure.