



DOWNSVIEW PRIMARY SHOOOL

FREEDOM OF INFORMATION GUIDE AND PUBLICATION SCHEME

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Document Owner and Approval

The School Business Manager is the owner of this document and is responsible for ensuring that this policy document is reviewed in line with the School's policy review schedule.

A current version of this document is available to all members of staff on the school network.

Version History Log

Version	Description of Change	Date of Policy Release by Judicium
1	Initial Issue	06.05.18
2	Updated references to UK GDPR	11.05.21
3	Added information about internal review process	19.08.21
4	Formatting amendments	03.08.22
5	Included definition on what is meant by 'School Days'.	29.08.24
6	Adopted for school use	15.05.25

Introduction

The Freedom of Information (FOI) Act 2000 gives individuals the right to access official information from public bodies. Under the Act, any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds the information and to receive a copy, subject to certain exemptions. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information. Full details on how requests can be made are set out in section 1 of this policy.

Public authorities should be clear and proactive about the information they will make public. For this reason, a publication scheme is available and can be found at section 2 of this policy. This policy provides details about the information that we make available to the public as part of our normal activities, in order to meet our commitments under the Freedom of Information Act. The policy also details how the information may be obtained and any associated charges in Section 2.

Section 1 Freedom of Information Requests

Requests under Freedom of Information should be made to the Headteacher. However, the request can be addressed to anyone in the School. All staff need to be aware of the process for dealing with requests. If staff receive a FOI request, it should be instantly forwarded to the Headteacher.

Requests for information that are not data protection or environmental information requests will be covered by the Freedom of Information Act.

Subject Access Requests are requests where the enquirer asks to see what personal information the school holds about themselves or their child. If the enquiry is a Subject Access Request, the School's Data Protection Policy will be followed.

Environmental Information Regulations enquiries are those which relate to air, water, land, built environment, flora and fauna, health and any decisions and activities affecting any of these. These could, therefore, include enquiries about recycling, phone masts, school playing fields, car parking etc. If the enquiry is about environmental information, the school will follow the guidance on the Department for Environment, Food and Rural Affairs (DEFRA) website.

Freedom of Information requests must be made in writing (including email) and should include the enquirer's name, correspondence address (email addresses are allowed) and state what information they require. There must be enough information in the request to be able to identify and locate the information. If this information is covered by one of the other pieces of legislation (as referred to above), they will be dealt with under the relevant policy/guidance related to that request.

If the request is ambiguous and/or the School requires further information in order to deal with the request, the School will request this further information directly from the individual making the request. Please note that the School do not have to deal with the request until this additional information is received. Therefore, the time limit starts from the date that the School receives all information required in order to deal with the request.

The requester does 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 a time limit of 20 school days (this does not include the school holidays or weekends) or 60 working days if this is shorter for responding to the request.

Information

Provided all requirements are met for a valid request to be made, the School will provide the information that it holds (unless an exemption applies).

Holding information means information relating to the business of the school:

- That the school has created, or
- That the school has received from another body or person, or
- Held by another body on the school's behalf

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

If the information is held by another public authority (for example, the Local Authority), the school will check whether they hold the information and if so, transfer the request to them. If this applies, the School will notify the enquirer that they do not hold the information and to whom they have transferred the request. The School will continue to answer any parts of the enquiry in respect of information it does hold.

When the School does not hold the information, it has no duty to create or acquire it just to answer the enquiry; although a reasonable search will be made before confirming whether the School has the information requested.

If the information requested is already in the public domain, for instance, on the School's website, the School will direct the enquirer to the information and explain how to access it.

The requester has the right to be told if the information requested is held by the School (subject to any of the exemptions). This obligation is known as the school's *duty to confirm or deny* that it holds the information. However, the school does not have to confirm or deny if:

- The exemption is an absolute exemption, or
- In the case of qualified exemptions, confirming or denying would itself disclose exempted information.

Further details on exemptions can be found on page 6 of this Guide.

Vexatious Requests

There is no obligation on the School to comply with vexatious requests. A vexatious request is one 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. However, this does not provide an excuse for poor records management.

In addition, the School does not have to comply with repeated identical or substantially similar requests from the same applicant, unless a reasonable interval has elapsed between requests.

Fees

The School may charge the requester a fee for providing the requested information. This will be dependent on whether the staffing costs in complying with the request exceeds the threshold. The threshold is currently £450 with staff costs calculated at a fixed rate of £25 per hour (therefore 18 hours' work is required before the threshold is reached).

If a request would cost less than the threshold, then 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).

When calculating costs/threshold, the School can take account of the staff costs/time in determining whether the information is held by the School, locating and retrieving the information and extracting the information from other documents. The School will not take account of the costs involved with considering whether information is exempt under the Act.

If a request would cost more than the appropriate limit of £450, the school can turn the request down, answer and charge a fee or answer and waive the fee.

If the School are going to charge they will send the enquirer a fees notice. The School do not have to comply with the request until the fee has been paid. More details on fees can be found on the Information Commissioner's Office (ICO) website.

If planning to turn down a request for cost reasons or charge a high fee, the school will contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that, for example, it would cost less than the appropriate limit.

Where two or more requests are made to the School by different people who appear to be acting together or as part of a campaign, the estimated cost of complying with any of the requests may be taken to be the estimated total cost of complying with them all.

Time Limits

Compliance with a request must be prompt and within the time limit of 20 school days (this does not include the school holidays or weekends) or 60 working days if this is shorter. 'School days' is defined by the ICO as any day on which there is a session and the pupils are in attendance. Failure to comply could result in a complaint by the requester to the ICO.

The response time starts counting as the first day from the next working day after the request is received. Where the School has asked the enquirer for more information to enable it to answer, the 20 school days start time begins when this further information has been received.

If some information is exempt this will be detailed in the School's response. If a *qualified exemption* applies and the School needs more time to consider the *public interest test*, the School will reply in 20 school 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. Where the School has notified the enquirer that a charge is to be made, the time period stops until payment is received. Further details on qualified exemption and the public interest test are provided below.

Exemptions

The presumption of the Freedom of Information Act is that the School will disclose information unless the Act provides a specific reason to withhold it. The Act recognises the need to preserve confidentiality and protect sensitive material in certain circumstances.

The School may refuse all/part of a request, if one of the following applies: -

- 1) There is an exemption to disclosure within the Act
- 2) The information sought is not held
- 3) The request is considered vexatious or repeated, or
- 4) The cost of compliance exceeds the threshold.

A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. Some are specialised in their application (such as national security) and would not usually be relevant to schools.

There are two general categories of exemptions:-

- 1) *Absolute*: where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest; and
- 2) *Qualified*: where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

Absolute Exemptions

There are eight absolute exemptions set out in the Act. However, the following are the only absolute exemptions which will apply to the School: -

- Information accessible to the enquirer by other means (for example, by way of the School's Publication Scheme);
- National Security/Court Records
- Personal information (i.e., information which would be covered by the Data Protection Act)
- Information provided in confidence

If an absolute exemption exists, it means that disclosure is not required by the Act. However, a decision could be taken to ignore the exemption and release the information taking into account all the facts of the case if it is felt necessary to do so.

Qualified Exemptions

If one of the below exemptions apply (i.e., a qualified disclosure), there is also a duty to consider the public interest in confirming or denying that the information exists and whether this information will be disclosed.

The qualified exemptions under the Act which would be applicable to the School are:

- Information requested is intended for future publication (and it is reasonable in all the circumstances for the requester to wait until such time that the information is actually published)
- Reasons of national security
- Government relations
- Release of the information is likely to prejudice any actual or potential legal action or formal investigation involving the School
- Law enforcement (i.e. if disclosure would prejudice the prevention or detection of crime, the prosecution of offenders or the administration of justice)
- Release of the information would prejudice the ability of the School to carry out an effective audit of its accounts, resources and functions
- For health and safety purposes
- Information requested is environmental information
- Information requested is subject to legal professional privilege, and
- For commercial interest reasons

Where the potential exemption is a qualified exemption, the School will consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it.

In all cases, before writing to the enquirer, the person given responsibility by the School for dealing with the request will need to ensure that the case has been properly considered and that the reasons for refusal or public interest test refusal, are sound.

Third Party Data

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.

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

Personal information requested by third parties is also exempt under this policy where release of that information would breach the Data Protection Act.

Refusal

If it is decided to refuse a request, the School will send a refusals notice, which must contain:

- The fact that the responsible person cannot provide the information asked for

- Which exemption(s) apply
- Why the exemption(s) apply to this enquiry (if it is not self-evident)
- Reasons for refusal, and
- The School's complaints procedure.

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.

The School will get advice from their Data Protection Officer (DPO), Judicium Consulting Ltd, prior to withholding data under an exemption or refusing the request in its entirety.

Section 2 Freedom of Information Publication Scheme

This publication scheme follows a model approved by the Information Commissioners Office.

This scheme is not a list of individual publications but rather a description of the classes of types of information that we are committed to publishing. This list is not an exhaustive list of all of the types of information that we publish. We try to proactively publish as much information as we can where the information would have a wider public interest.

This scheme does not include information that we consider to be sensitive, such as personal information, information prevented from disclosure by law or information about security matters.

Classes of Information

There are six classes of information that we hold:

- Who we are and what we do
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- The services we offer

Making Information Available

Information will generally be made available on the school website. Where it is not possible to include this information on the school website, or when an individual does not wish to access the information by the website, the school will indicate how information can be obtained by other means and provide it by those means. This may be detailed in response to a request or within the scheme itself. This will usually be by way of a paper copy or via email.

In some circumstances, some information may be available only by viewing in person. Where this is the case, an appointment to view the information will be arranged within a reasonable timescale.

Charges for Information Published Under This Scheme

The school may charge individuals for information published under this scheme. The purpose of this scheme is to make the maximum amount of information readily available at the minimum inconvenience and cost to the public. Charges made by the school for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on the website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by law.

Charges will be made to cover:

- Photocopying
- Postage and packaging and
- The costs directly incurred as a result of viewing information

Single copies of information requested which are covered by the School's Publication Scheme may be provided free of charge. However, if the request involves a large amount of photocopying, printing or postage, then this may be at a cost. If this is the case, the school inform the enquirer of the cost before fulfilling their request.

How to Request Information

If you require a paper version of any of the documents within the scheme, please contact the school office using the contact details below.

Telephone: 020 8764 4611

Email: sec1@downsview.croydon.sch.uk

Address: Biggin Way, Upper Norwood, London, SE19 3XE

Please mark all correspondence *Freedom of Information Publication Scheme Request* in order to help us process your request quickly. If the information you are looking for is not available via the scheme, you can still contact the school to ask if we have this information.

The Publication Scheme

Who We Are and What We Do	Description
Information relating to the Governing Board	<ul style="list-style-type: none"> • Details of the Governing Board • Basis of Governors' appointments • The manner in which the Governing Board is constituted • Category of the school • A statement on progress in implementing the action plan drawn up following an inspection • Agreed minutes from Governing Board and Committee meetings • Instrument of Governance
School Information	<ul style="list-style-type: none"> • The name, address, website and telephone number of the school and the type of school • The name of the school Headteacher • The school's staffing structure • Statement on the schools aims and values • Information on the school policy on admissions • School term dates, times and attendance • School Uniform • National curriculum assessment results for appropriate key stages with national summary figures

What We Spend and How We Spend It	Description
Financial Information	Annual Budget Plan and financial statements
Details of expenditure	Details of items of expenditure over £10,000 including the cost, name of supplier and information about the transaction.
Procurement and contracts	Details of the procurement and contracts the school has entered into.
Pay policy	A copy of the Teachers' Pay Policy.
Allowances	Details of allowances that can be incurred by governors.
Pupil Premium	How the school uses Pupil Premium.
Sports Premium	How the school uses the Sports Premium.

What Our Priorities Are and How We Are Doing	Description
Ofsted report	A published report of the outcome of the School's latest Ofsted inspection.
Curriculum circulars and Statutory Instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education to the Headteacher or Governing Board relating to the curriculum.

How We Make Decisions	Description
Admissions Policy/ Decisions	This is a statement of the School's policy with regards to admissions. This does not include individual decisions.

Our policies and Procedures Available on the school website: www.downsview.croydon.sch.uk
Anti-bullying Policy
Accessibility Plan
Admissions Arrangements
Attendance Policy
Behaviour Policy
Charging and Remissions Policy
Children Missing in Education Policy
Concerns and Complaints Policy
Cookie Policy
Data Protection Policy
Data Retention Policy
Data Security Breach Prevention Policy and Procedure
De-escalation and Positive Handling Policy
Diversity and Inclusion Policy, incl. Equality Statement
Early Careers Teacher Policy
Employee Complaints and Grievance Procedures

Extended Schools Policy
Early Years Foundation Stage Policy
Fasting Policy
First Aid Policy
Freedom of Information Guide and Publication Scheme
Governors Allowance Policy
Home Learning Policy
Home School Agreement
Instrument of Governance
Non Collection from School Policy
Online Safety, Social Media, Devices and Acceptable Use Policy
Privacy Notice for Pupils and Families
Privacy Notice for Governors
Privacy Notice for School Workforce
Privacy Notice for Job Applicants
Privacy Notice for Volunteers
Protection of Biometric Information of Children Policy
Pupil Premium Policy
Relationships and Health Education Policy
Remote Learning Policy
School Teachers Pay and Conditions Document
School Teachers Capability Procedures
Safeguarding Policy
School Uniform Policy

Separated Parents Policy
Special Educational Needs and Disability Policy
Supporting Pupils with Medical Conditions Policy
Suspension and Permanent Exclusion Policy
Sustainability Policy
Teachers Appraisal Policy
Teaching and Learning Policy
Whistleblowing Policy and Procedures
Whole School Food Policy

The services we offer	Description
Extra-curricular activities and out of school clubs	Details of these can be found on our school website: www.downsview.croydon.sch.uk
School Publications, leaflets and Newsletters	Details of these are published on our school website: www.downsview.croydon.sch.uk

Schedule of Charges

The table below describes how charges have been arrived at.

Type of Charge	Description	Basis of Charge
Disbursement cost	Photocopying/printing @ 10p per sheet (black & white)	Actual cost is variable
Postage	Postage costs	Actual cost of Royal Mail standard 2 nd class
Statutory Fee	As required by statute	In accordance with the relevant legislation

Internal Review

The requester has the right to ask for an internal review if they are dissatisfied with the handling of a request. Internal review requests should be made within 40 working days of the initial response. We are not obliged to provide a review if it is requested after more than 40 working days.

Requests for internal review must make clear why they are dissatisfied with the original decision, detailing why they feel that the School has not complied with Freedom of Information Law.

Complaints and Appeals

Any written expression of dissatisfaction should be handled through the School's existing complaints procedure. Wherever practicable, the review should be handled by someone not involved in the original decision.

If the outcome is that the School's original decision or action is upheld, then the applicant can appeal to the Information Commissioner. The appeal can be made via their website or in writing to:

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