

Sydenham School

Freedom of Information Policy



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1. Scope and publication

This policy covers requests for information under the Freedom of Information Act 2000 ('FOIA') at Sydenham School. It also covers enquiries relating to matters under the Environmental Information Regulations 2004, namely enquiries about air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these.

This policy does not cover enquiries or subject access requests under data protection legislation i.e. where the enquirer asks to see what personal information Sydenham School holds about them. These enquiries will be dealt with under the Data Protection Policy.

This policy outlines our approach to handling information requests under the FOIA and details of the Publication Scheme. 'Information' includes both hard copy and digital information, including email.

This policy is available via the school website, each school website, and on request. This policy can be made available in large print or other accessible formats if required

2. General approach to FOI

The school acknowledges that, under the FOIA, any person has a legal right to ask for access to information held by Sydenham School.

We recognise our duty to:

- provide advice and assistance to anyone requesting information
- tell enquirers whether we hold the information they are requesting unless exempted from this duty (the duty to confirm or deny)
- provide access to the information we hold, subject to legal exemptions, in accordance with the procedures laid down in this policy.

We recognise the presumption of openness that underlies the FOIA. We are committed to maintaining a well-managed records management and information system to comply efficiently with requests and we will adopt a straightforward approach to meeting requests for information.

3. Responsibilities

The Headteacher is responsible for overseeing access to information across the school. Day-to-day

responsibility for the implementation of this FOIA policy and the provision of advice, guidance, publicity, and interpretation of this policy is delegated to the school data protection lead. We will also ensure that all members of staff are aware of this policy and know that all requests for information should be passed without undue delay to the school data protection lead.

We acknowledge that wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence, and we will take all reasonable steps to ensure that records that are subject to a request for information are not deleted or amended by anyone within the school.

4. Publication scheme

This Information which the school routinely make available to the public is included in our Publication Scheme. The Publication Scheme is based on the model scheme approved by the Information Commissioner.

5. Making a request for information

The school will only deal with valid FOI requests for information under this policy. A valid FOI request must:

- be in writing (includes letter or email)
- state the enquirer's name and correspondence address (includes email addresses)
- describe the information requested - there must be enough information to be able to identify and locate the information
- not be a request falling under the Data Protection Act (i.e. be a request for information about yourself or your child).

In order that your request can be dealt with as quickly and efficiently as possible, you should submit your request by letter or email to the school or data protection lead.

5.1 Timescales for responding to request for information

We will endeavour to deal with your request promptly and certainly within the legally prescribed limit of 20 school days i.e. excluding weekends and school holidays. Where the 20th day to respond to a request is during a non-school day, we have up to 60 days to respond.

The response time will start from the time the request is received. Where further information is required from you before we can deal with your request, we shall contact you as soon as practicable using the correspondence address provided. We do not have to deal with your request until the further information is received. Where a fee is to be made (see below), we are also not required to deal with your request until payment has been received. If you choose to pay any fee by cheque the fee will not be regarded as having been received until the day the cheque has cleared. The 20 school days countdown will only begin or restart once the further information and/or payment has been received.

If a qualified exemption applies (see below) and we need more time to consider the public interest test, we will send you a response within 20 school days stating that an exemption applies and giving you estimate of the date by which a decision on the public interest test will be made. This will normally be within a further 10 working days.

5.2 Charges relating to requests for information

We follow the Department for Education recommendation that schools should ordinarily charge for dealing with requests for information to recover the costs to school resources that would otherwise support teaching and learning.

We are not required to comply with a request for information where we estimate that the cost of compliance will exceed £450. If our estimated cost of complying with your request does exceed

£450, we will advise you accordingly and advise what, if any, information can be provided for under

£450 and/or suggest a narrowed version of your request that could be handled within this limit. Should you wish us to provide the information as initially requested, we entitled to charge in line with FOIA guidance.

5.3 Right to refuse to comply with a request for information

There are only four reasons we may refuse to comply with a valid request for information under the FOIA:

The information is not held by us

Once we have received your request, we will ascertain whether we hold the information requested. 'Holding' information means information relating to the business of the school, received from another body or person, or is held by another body on our behalf. If, after reasonable enquiry, we are able to confirm that we do not hold the information requested, we will advise you accordingly using the correspondence address provided.

The cost threshold is reached (£450)

The request is considered vexatious or repeated

There is no obligation on us to comply with vexatious requests. This is a request designed to cause inconvenience, harassment or expense rather than to obtain information, and would require a substantial diversion of resources or would otherwise undermine our work.

One or more of the exemptions apply

There are more than 20 exemptions. Where the potential exemption is a qualified exemption, we will also consider the public interest test to identify if the public interest in applying the exemption

outweighs the public interest in disclosing it.

Each case will be considered on its merits and we will maintain records on any refusals made and the reasons for them. Records will be retained for five years in accordance with statutory guidance.

If we refuse to provide the information, we will notify you in writing, explaining:

- the fact that we cannot provide the information asked for
- which exemption(s) we believe apply
- why the exemption(s) apply to this enquiry (if it is not self-evident)
- reasons for refusal if based on cost of compliance
- in the case of qualified exemptions, how we have applied the public interest test, specifying the public interest factors considered before reaching the decision
- reasons for refusal on vexatious or repeated grounds
- the internal complaints procedure.

5.4 The duty to confirm or deny

A person applying for information has the right to be told if the information requested is held, and if that is the case to have the information sent (subject to any of the exemptions). We do not have to confirm or deny if:

1. the exemption is an absolute exemption, or
2. in the case of qualified exemptions, confirming or denying would itself disclose exempted information.

5.5 Consultation with third parties

Consultation with 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.

5.6 Redaction

If a request is made for a document which contains exempt information (for example, it contains personal information about a third party whose release to a third party would breach data protection legislation), the document may be issued by blanking out the relevant exempt information. This process is known as redacting.

5.7 Complaints

Any comments or complaints will be dealt with through our normal complaints procedures.

Once internal complaints procedures have been exhausted, then you have the right to appeal to the Information Commissioner's office. Appeals should be made in writing to the Information Commissioner's office. They can be contacted at: Complaints Resolution Information Commissioner's Office Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Appendix 1: Publication scheme for Sydenham School

Introduction: What is a Publication Scheme and why has it been developed?

Sydenham School is responsible for collating and publicising its own Publication Scheme about the work of the school. This Publication Scheme commits us to make information available to the public as part of our normal business activities.

This Scheme commits the school to:

- proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below
- specify the information which is held by the authority and falls within the classifications below
- proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme
- produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public
- review and update on a regular basis the information the authority makes available under this scheme
- produce a schedule of any fees charged for access to information which is made proactively available
- make this publication scheme available to the public.

The classes of information include:

Who we are and what we do - organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it - financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing - strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions - policy proposals and decisions; decision-making processes, internal criteria and procedures, consultations.

Our policies and procedures - current written protocols for delivering our functions and responsibilities.

Lists and registers - information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer - advice and guidance, booklets and leaflets, transactions and media releases; a description of the services offered.

The classes of information will not generally include:

- information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure
- information in draft form
- information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this Publication Scheme will be made available

Where it is within our capability, information will be provided on our website.

Where it is impracticable to make information available on the website, this Scheme sets out how information can be obtained. Where you cannot or do not wish to access the information via the specified means, you should contact the school to discuss an alternative means of viewing the information.

In exceptional circumstances, information may be available only by viewing in person. You should contact the school to make an appointment to view the information which we will endeavour to accommodate within a reasonable timescale. Information will be provided in the language in which it is held or in such other language that is legally required. If we are legally required to translate the information, we will do so. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this Scheme.

Charges which may be made for information published under this Scheme

The purpose of this Scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Material which is published and accessed on a website will be provided free of charge. Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- costs directly incurred as a result of viewing information.

Charges may also be made for information provided under this Scheme where they are legally authorised, they are justified in all the circumstances and are in accordance with a published schedule of fees in this Publication Scheme. If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment will be requested prior to provision of the information.

Written requests

Information held by us that is not published under this Scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

Contact details

If you require a paper version of any information or want to ask whether information is available please contact us: Charlotte Finch (DPO), Sydenham School, Dartmouth Road, Sydenham, SE26 4RD.

To help us process requests quickly, any correspondence should be clearly marked 'Publication Scheme Request'.

Sydenham School – guide to information table

Class 1 – Who we are and what we do		
<i>Organisational information, structures, locations and contacts. Current information only.</i>		
Information to be published	Information obtained from	Cost
Memorandum and articles of association	Website	No charge
Master Funding Agreement	Website	No charge
Annual Return	Website	No charge
Staffing structure – names of key personnel	On request	No charge
Location and contact information – address and telephone number	Website	No charge
Class 2 – What we spend and how we spend it		
<i>Financial information relating to the projected and actual income and expenditure, procurement, contracts and financial audit. Current and previous two financial years as a minimum.</i>		
Information to be published	Information obtained from	Cost
Annual budget plan and financial statements	On request	Schedule of charges
‘Value for Money statement’	On request	No charge
Capital funding – details of capital funding allocated to the school along with information on related building projects/other capital projects	On request	Schedule of charges
Additional funding – income generation schemes and other sources of funding	On request	Schedule of charges
Procurement and contracts – details of procedures used for the acquisition of goods and services and details of contracts that have gone through a formal tendering process	On request	Schedule of charges
Staffing and grading structure	On request	Schedule of charges
Pay Policy	On request and school websites	No charge

Class 3 – What our priorities are and how we are doing		
<i>Strategies, plans, performance indicators, audits, inspections and reviews). Current information only.</i>		
Information to be published	Information obtained from	Cost
Performance data	On request	No charge
Performance management policy and procedures	On request	Schedule of charges
School Improvement Plan	On request	Schedule of charges
Child Protection and Safeguarding Policy and procedures	Website	No charge
Class 4 – How we make decisions		
<i>Decision making process and records of decisions. Current and previous three years as a minimum.</i>		
Information to be published	Information obtained from	Cost
Agendas of main Governors meetings and (if held) its sub-committees	On request	Schedule of charges
Minutes of meetings (as above) – NB This will exclude information that is properly considered to be confidential	On request	Schedule of charges
Class 5 – Our policies and procedures		
<i>Written protocols, policies and procedures for delivering our services and responsibilities. Current information only.</i>		
Information to be published	Information obtained from	Cost
School-wide HR policies, including recruitment of staff	On school websites.	No charge
The School-wide student policies	On school websites.	No charge
Records management and personal data policies	On school websites.	No charge
Charging regimes and policies	On school websites.	No charge
Equality and diversity - policies, schemes, statements, procedures and guidelines relating to equal opportunities	On request.	No charge

Class 6 – Lists and registers		
<i>Currently maintained lists and registers only.</i>		
Information to be published	Information obtained from	Cost
Asset register	On request.	Schedule of charges
Any information a school is currently legally required to hold in publicly available registers	Website or hard copy on request.	No charge (website) or schedule of charges

Schedule of charges: this describes the charges which will be made

Type of charge	Description	Basis of charge
Disbursement cost	Photocopying/printing @ 3p per sheet (b&w)	Actual cost incurred by the school
	Photocopying/printing @ 10p per sheet (colour)	Actual cost incurred by the school
	Postage	Actual cost of Royal Mail standard 2 class
Statutory fee		In accordance with the relevant legislation