



**FREEDOM OF INFORMATION
&
ENVIRONMENTAL INFORMATION REGULATIONS POLICY
(INCLUDING PUBLICATION SCHEME)**

ADAPTED FROM BRADFORD METROPOLITAN COUNCIL SCHOOLS TRADED SERVICE
POLICY SEPTEMBER 2014

Agreed by Governors on; 05/12/16

Signed by Chair of Governors: Sally Birkbeck

A handwritten signature in blue ink that reads "Sally Birkbeck".

Statutory policy YES

Frequency of review period; 2 Years

Document History

Date	Description
30/04/12	Agreed by Governors
20/10/14	Agreed by Governors
05/12/16	Agreed by Governors
01/12/18	Review Due

This is the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations Policy and School Publication Scheme on information available under FOIA Act 2000 and Environmental Information Regulations 2004 (EIR).

The governing body is responsible for maintenance of this scheme.

1. Background

The Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including all schools and academies, should be clear and proactive about the information they will make public.

Our school is required to comply with the provisions of the FOIA/EIR and related legislation. This provides a general entitlement to any person to be able to access information held by our school, subject to exemptions and exceptions laid down by the relevant legislation.

2. Scope

This policy applies to all information held by school regardless of how it was created or received. It applies irrespective of the media on which the information is stored and whether the information is recorded on paper or held electronically. The legislation is retrospective and thus information is capable of being accessible no matter how old it may be. Similarly, information in draft form will also be capable of being accessible under the legislation.

This policy and publication scheme is a means of showing how we are pursuing these aims.

To do this we are required under the FOIA to produce a publication scheme, setting out the following:

- The classes of information which we publish or intend to publish;
- The manner in which the information will be published; and
- Whether the information is available free of charge or on payment.

The scheme commits the School to proactively publish or make available as a matter of routine certain information, including environmental information, which the School holds. The scheme covers information already published and information which is to be published in the future including datasets. All information in our publication scheme is available in paper or electronic form. Some information which we hold may not be made public, for example personal information relating to individual pupils and staff.

It should be noted that access to personal information (that is information from which a living individual can be identified) and pupils' educational records is governed by the Data Protection Act 1998. Requests for access to such information will be governed in line with the requirements of this legislation

The school has adopted the attached model publication scheme approved by the Information Commissioner Office (ICO) together with the attached definition document for governing bodies of maintained and other state-funded schools in England.

3. Categories of information published

The attached publication scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information

known as 'classes'. The classes of information that we undertake to make available are organised into four broad topic areas (**See appendix A**):

1. Who we are and what we do
2. What we spend and how we spend it
3. What our priorities are and how we are doing
4. Our policies and procedures

4 Dealing with Requests

We have a duty under FOIA to advise and assist any person wishing to make a request for information. We are required to deal with requests within statutory timescales, which means that a response will be made promptly but in any event no more than 20 working (school) days from the date of request. Exceptionally if despite all attempts we are unable to provide the information within the 20 working (school) day period we will contact you and explain the reason for the delay and give an indication of when we anticipate a response will be sent.

If repeated or vexatious requests for information are made the school may refuse to provide the information.

If the information requested falls within an exemption or exception permitted under the legislation we are still required to provide advice and assistance and will consider providing information of a generic nature.

Any request in writing will be considered a Freedom of Information request including those received by email, fax, text, social media e.g. twitter. There is no requirement for requests to indicate that they are made under the Act and all requests will be dealt with under this policy.

We will provide the information free of charge but will make a charge for postage if applicable. We reserve the right to refuse requests where the cost of locating and retrieving (but not redacting) the information would exceed the statutory maximum (currently £450). However, under our duty to advise and assist, before we refuse requests we will invite requestors to reduce the scope of their requests in an attempt to ensure the costs do not exceed the statutory maximum and we can provide the information free of charge.

- Environmental Information Regulations – we recognise that requests for environmental information may be made over the telephone and that different exemptions apply but the response time is 20 working (school) days
- Responses to requests from an individual for information the school holds about them (subject access requests) should be sent within 40 calendar days.
- Responses to requests for Pupils' Education Records should be sent within 15 school days.

5 Withholding Information Exemptions Under FOIA and Exceptions under EIR

Exceptionally certain information can be withheld. The Freedom of Information Act contains 23 exemptions whereby information is permitted to be withheld. There are two categories of exemptions; absolute and qualified. The School can only withhold information if it falls within the scope of one or more of these exemptions. (**See appendix B**)

Where an absolute exemption applies, the School can withhold the information. Where the exemption is qualified the information can only be withheld where the School decides that the public interest in withholding the information outweighs the public interest in disclosing it.

The School will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption. The School has a duty to advise and assist and even though an exemption applies the School will consider whether it can provide some generic information in response to the request.

Exceptions under EIR: (See appendix C)

6 Releasing a third party's information

The release of third party information e.g. pupil or staff personal data, will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of the DPA. Both the EIR and FoIA permit information to be withheld when its release would breach the provisions of the DPA.

When the requested information relates to a living individual and amounts to "personal data" as defined in the DPA, its disclosure could breach the DPA. Therefore the release of third party personal information relating to living individuals will be considered in accordance with the data protection principles and, in particular, the "third party" provisions of the DPA. In response to a request for information containing third party details e.g. that of a pupil or staff member, consideration will be given to redacting or anonymising the information to ensure third party individuals are not able to be identified.

Where the information relates to a staff member, the provisions of the DPA will still apply in many circumstances but the nature of the information will influence the School's decision whether to release the information. Where the information relates to a matter clearly private to the individual, e.g. a disciplinary or other personal matter, the information will almost certainly be withheld. However, where the information relates to the member of staff acting in their official capacity, e.g. a teaching matter or school matter, the information will normally be released.

7 Information held within contracts with the School

Any contractual information, or information obtained from organisations during the tendering process, held by the School are subject to the provisions of the FoIA and EIR. Whenever the School enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording will be included in contracts to cover the impact of FoIA and EIR in relation to the provision of information held in contracts.

The School can withhold contractual information where its disclosure under either the FoIA or EIR could be treated as actionable breach of confidence. Where the School intends to include non-disclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed.

The School will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified under the relevant legislation.

Whenever the School has to consider the release of such information, it will consult the relevant organisation to obtain its opinions on the release of the information and any exemptions they consider relevant and the reasons. However, the School will make the final decision relating to the disclosure of the information.

The School can also withhold information contained in contracts where any of the other exemptions listed in the FOIA or EIR are appropriate, although information will only be withheld in line with the School's policy on the use of exemptions. All future contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to a FOIA or EIR request.

8 Relationship with the Data Protection Act 1998

We are under a legal duty to protect personal data under the Data Protection Act 1998. We are required to consider our responsibilities under this Act before releasing personal information about living individuals, including current and former employees and pupils.

9 Responsibilities

We recognise our responsibility to make information available in accordance with the Freedom of Information Act and EIR. Responsibility for compliance with this and related policies will rest with the Governing Body who will delegate those responsibilities to the Headteacher. Complaints regarding the use of this policy should be directed to the Governing Body.

We have a responsibility to ensure that any request for information we receive is dealt with under the Act and in compliance with this policy. All school staff are responsible for good information handling practice, for implementing records management policies and procedures as appropriate to their post.

10 Adopting and Maintaining the Publication Scheme

Delius Special School has adopted the attached ICO Model Publication Scheme in accordance with Section 19 of the Freedom of Information Act and is committed to updating and maintaining it to keep it current and relevant. The Publication Scheme contains many of the documents, policies, plans and guidance which may regularly be requested. Material contained within the publication scheme is readily available on the Schools website. School staff will give advice and assistance on how to use the scheme as appropriate.

11 Paying for Information

Single copies of information covered by this publication are provided free unless stated otherwise in Section 15. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos we will let you know the cost in advance before fulfilling your request.

12 Feedback and Complaints

We welcome any comments or suggestions you may have about the policy or the scheme. If you want to make any comments about this policy or the publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to the Headteacher: Delius Special School, Barkerend Road, Bradford, BD3 8QX.

13 For advice and assistance please contact The Business Manager on 01274 666472

14 Information Commissioner's Office

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the independent official body that ensures compliance with the Freedom of Information Act 2000 and EIR and that deals with formal complaints.

They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

For your complaint to be eligible for further consideration they will usually need you to provide them with supporting information or evidence.

If you are still unsure what supporting evidence you will need to send to them, are not able to provide the information they need, or are unable to complete a form, please contact their Helpline on 0303 123 1113. Call us between 9am and 5pm Monday to Friday.

Telephone: (From the UK) 0303 123 1113 or 01625 545745

E-mail: First Contact team at casework@ico.gsi.gov.uk

Website: <https://www.ico.gov.uk>

Appendix A

Classes of Information Currently Published

1. School Website - This section sets out specific information published on the school website, in accordance with the School Information (England) (Amendment) Regulations 2012	
Class	Description
School Website	<p>The statutory contents of the school website are as follows, (other items may be included on the website at the school's discretion):</p> <ol style="list-style-type: none">1. School contact details – including school name, address, telephone number and a named member of staff who deals with queries.2. Admission arrangements – including how parents can find out about schools admission arrangements through the Local Authority3. Ofsted reports – a copy of the most recent report or link to the report on the Ofsted website.4. Performance tables5. Details of the Curriculum6. Behavior policy7. School complaints procedure8. Pupil Premium for the current academic year – including the grant allocation, a summary of the main barriers to educational achievement faced by eligible pupil's, how the premium is being spent to address those barriers and the reason for that approach, how school will measure the impact of the premium and the date of the next review of the schools pupil premium strategy. For the previous academic year schools must include how the premium was spent, and the impact of the expenditure on eligible pupils.9. PE & Sports Grant – including how much funding is received, a break down of how the grant has been or will be spent, the effect of the grant on pupils PE and sport participation and attainment and how school will ensure these improvements are sustainable.10. Special Educational Needs (SEN) and disability information – including the schools policy for pupils with SEN, Local Offer (SEND), and accessibility plan.11. Governor's information and duties – including business interests, financial interests, governance roles in other schools, structure and responsibilities of the governing body and committees.

	<p>12. Statutory policies – including safeguarding policies, T& L policies, Finance, staff related policies, Governors allowances policy, Equalities policy, charging and remissions policy.</p> <p>13. A statement of the schools ethos and values.</p> <p>14. Request for paper copies of documents.</p>
2. Governors' Documents – This section gives information published in the Governors Annual Report and in other governing body documents	
Instrument of Government	<ul style="list-style-type: none"> • The name of the school • The category of the school • The name of the governing body • The manner in which the governing body is constituted • The term of office of each category of governor if less than 4 years • The name of any body entitled to appoint any category of governor • The date the instrument takes effect
Minutes of meeting of the governing body and its committees	Agreed minutes of meetings of the governing body and its committees [current and last full academic school year]
3. Pupils and Curriculum Policies - This section gives access to information about policies that relate to pupils and the school curriculum.	
Class	Description
Home – school agreement	Statement of the school's aims and values, the school's responsibilities, the parental responsibilities and the school's expectations of its pupils for example homework arrangements
Curriculum Policy	Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school
Sex and Relationships Policy	Statement of policy with regard to sex and relationship education
Special Education Needs Policy	Information about the school's policy on providing for pupils with special educational needs
Accessibility Plans	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.
Equality Policy	Statement of policy for promoting race equality
Collective Worship	Statement of arrangements for the required daily act of collective worship

Safeguarding, Child Protection, E Safety, safeguarding from extremism	Statement of policy for safeguarding and promoting welfare of pupils at the school. (from March 2004)
Behaviour and Discipline (pupil) Policy	Statement of general principles on behaviour and discipline and of measures taken by the head teacher to prevent bullying.
4. School Policies and other information related to the school	
This section gives access to information about policies that relate to the school in general.	
Class	Description
Published reports of Ofsted referring expressly to the school	Published report of the last inspection of the school and the summary of the report and where appropriate inspection reports of religious education in those schools designated as having a religious character
Post-Ofsted inspection action plan (School Improvement Plan)	A plan setting out the actions required following the last Ofsted inspection and where appropriate an action plan following inspection of religious education where the school is designated as having a religious character
Charging and Remissions Policies	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
School session times and term dates	Details of school session and dates of school terms and holidays
Health and Safety Policy and risk assessments	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
Parental Complaints Policy	Policy and procedures for dealing with complaints
Appraisal Policy (Staff)	Policy and procedures adopted by the governing body relating to the performance management of staff
Complaints and Grievance Procedure (Staff)	Policy and procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance
Curriculum circulars and statutory instruments	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 Please also see the Department for Education Website

If the information you're looking for isn't available via the scheme you can still contact the school to ask if we have it on 01274 666472

Appendix B

LIST OF EXEMPTIONS UNDER FREEDOM OF INFORMATION ACT

Exemptions provide discretionary exceptions to the public's right of access to information held by the University under the terms of the Freedom of Information Act 2000. There are 23 exemptions provided under the Act that are either absolute or conditional in their effect, which are as follows:

Absolute Exemptions

Exemptions that are wholly exempt in their application include:

- Information accessible to the applicant by other means (s21)
- Information supplied by, or relating to, bodies dealing with security matters (s23)
- Information relating to Court records (s32)
- Parliamentary privilege (s34)
- Information provided in confidence (s41) and
- Information prohibited from disclosure by any other piece of legislation or enactment (s44)

Exemptions that are absolute only in part include:

- Information that would prejudice the effective conduct of public affairs (s36), and
- Personal information (s40)

Conditional Exemptions

Exemptions requiring the application of a public interest test include:

- Information intended for future publication (s22)
- National Security (s24)
- Investigations and proceedings conducted by public authorities (s30)
- Formulation of Government Policy (s35)
- Communications with Her Majesty and honours (s37)
- Health and Safety (s38)
- Environmental information (s39)
- Legal professional privilege (s42)

Exemptions requiring the application of a public interest test and/or a prejudice test include:

- Defence (s26)
- International relations (s27)
- Relations within the United Kingdom (s28)
- The economy (s29)
- Law enforcement (s31)
- Audit Functions (s33)
- Commercial Interests (s43)

Appendix C

LIST OF EXCEPTIONS UNDER ENVIRONMENTAL INFORMATION REGULATIONS

There is a presumption under the Regulations that environmental information must be released, unless there are strong public interest considerations to justify withholding it [outweighing the public interest in release].

Regulation 12 of the Regulations lays down the exceptions under which a public authority can withhold information. A request for information can be refused if:

Regulations 12 (3) & 13 Covers Personal Data

Regulations 12 (4) exceptions: Where a **Class Base** exception is claimed there is no need to demonstrate any prejudice or harm to any particular interest in order to engage the exception

Reg. 12 (4) (a) The information is not held

Reg. 12 (4) (b) The request is manifestly unreasonable (Nuisance)

Reg. 12 (4) (c) The request is too general

Reg. 12 (4) (d) The request is for unfinished documents/data

Reg. 12 (2) (e) The request is for internal communications

Public authorities can refuse to release information in order to protect:

Regulations 12 (5) are **Prejudice Base** exceptions: For this exception under the EIR the following wording is used: Disclosure would, or would be likely to prejudice...interest or factors specified in the exception. Prejudice base exceptions only come into play if a particular disclosure would prejudice the purpose of the exception

Reg. 12 (5) (a) International relations/public security/defence

Reg. 12 (5) (b) The course of justice and right to a fair trial

Reg. 12 (5) (c) Intellectual property rights

Reg. 12 (5) (d) The confidentiality of proceedings

Reg. 12 (5) (e) Commercial confidentiality

Reg. 12 (5) (f) Personal/voluntary data

Reg. 12 (5) (g) The environment

If information relates to emissions the authority cannot refuse information on the grounds of:

R.12 (5) (d) confidentiality of proceedings,

R.12 (5) (e) commercial confidentiality,

R.12 (5) (f) personal/voluntary data or

R.12 (5) (g) environmental protection.