


| Freedom of Information Policy | |
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| Updated | July 2022 |
| Status | Statutory Policy Delegated to the full Management Committee Updated every 2 Years |
| Review | July 2024 |



1. Introduction

The Compass School is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

2. Background

The Freedom of Information Act 2000 (FoI) came fully into force on January 1 2005. 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.

The information which the school routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. Whilst the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the school holds are covered by the Act. The DfES has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide schools on how long they should keep school records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under Freedom of Information (FoI) can be addressed to anyone in the school; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. They do 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 no need to collect data in specific response to a Freedom of Information (FoI) enquiry.

For further information and guidance, see the DfES “Freedom of Information Act (FoIA) 2000 – A Guide for Maintained Schools on Full Implementation from January 2005.”

3. Scope

The Freedom of Information Act (FoIA) joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the school.

Requests for personal data are still covered by the Data Protection Act. (DPA). Individuals can request to see what information the school holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety. For example, queries about chemicals used in the school or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under Freedom of Information Act (FoIA), but unlike Freedom of Information Act (FoIA) requests, they do not need to be written and can be verbal.

If any element of a request to the school includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under Freedom of Information Act (FoIA), and must be dealt with accordingly.

4. Data Gathering and Storage

Information will only be gathered and stored for specified purposes.

Information held by Compass School will be regularly reviewed with a view to archiving or destruction, where appropriate.

5. Obligations and Duties

The school recognises its duty to

- provide advice and assistance to anyone requesting information.
- tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the procedures laid down.

6. Publication Scheme

The Compass School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner.

The current recommended model schemes can be viewed via the Information Commissioner's website.

7. Dealing with Requests

Requests for information under the Act must be in writing, and include the enquirer's name and correspondence address. They must also include a description of exactly what information is requested. Enquirers do not need to say why they require the information. Requests should be made in writing to:

Maria Hughes
Compass School
Green Lane
Southampton
SO16 9FQ

Compass School will exercise its duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.

The school will supply data requested within 20 working days (or in line with the Information Commissioner's current policy during school holidays), subject to any exemptions that may apply and the estimated cost of complying with the request falling within the current defined charge limit. All requests for information should still be dealt with in compliance with the 20-day deadline, whether they are recorded as Freedom of Information (FoI) requests or not.

If a response will take longer than ten working days to respond an acknowledgement should be sent to the person making the request, informing them when the information will be supplied. This acknowledgement does to allow the school to exceed the overall 20-day deadline.

A senior member of staff will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request on the school's tracking database.

Copies of data supplied should be retained for two years from the date it was put into the public domain.

8. Exemptions

A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemption – absolute and qualified.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

Not all information the school holds that is covered by the Act will be disclosed in response to a request. For example, information may be withheld under one of the following exemptions available under the Act:

- Information accessible by other means (e.g. website or prospectus)
- Personal information – requests for information about an individual will be dealt with in accordance with Data Protection Act 1998 (unless the enquirer wishes to know what information is held about someone else – this information will generally not be disclosable)
- Environmental information (e.g. regarding playing fields, car parking, phone masts etc.)
- Information provided in confidence to the school
- Information, the release of which, would prejudice or be likely to prejudice the School or a third party's commercial interest.

A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemption – absolute and qualified.

The decision to apply absolute exemptions should not be taken by individual members of staff but should be made by a constituted group of at least three of the following: Chair of Management Committee, other Management Committee, Headteacher, Deputy Headteacher.

Even if the group information should not be disclosed, a public interest test should be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must be disclosed.

The Business Manager will seek advice from (Local Authority Data Protection Officer) Legal Services if there is any doubt as to whether information should be disclosed.

9. Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

10. Charging

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

11. Responsibilities

The Business Manager will initially respond to the requests and seek clarification from the Headteacher. In cases where exemptions, public interest or cost are discussed a subcommittee from the Management Committee will be formed which will include the Chair of Management Committee.

12. Complaints

Any comments or complaints will be dealt with through the school's normal complaints procedure.

We will aim to determine all complaints within 21 days of receipt. We will publish information on our success rate in meeting this target. The school will maintain records of all complaints and their outcome.

If on investigation the school's original decision is upheld, then the school has a duty to inform the complainant of their 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:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow

Logging Request Received

Compass school will keep a record (See Appendix 1) of all requests received for monitoring purposes, noting:

- The date the request was received;
- Name and contact details of the person or organisation making the request;
- The date the request was fulfilled or refused;
- The reason for any exemption being applied;
- The reason for any failure to meet the 20-day deadline.

