

Freedom of Information Policy

Review Date	June 2018	Leader of Policy Review	Mr. D. Bridge
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Guidance to The Freedom of Information Act, Environmental Information Regulations for Flintshire Schools
19 Sep 14

Freedom of Information & Environmental Information Regulations Summary

The intention of this the Freedom of Information Act and The Environmental Regulations is to develop a more open attitude to information. Both FOIA & EIR relate to access to information and provide a general right to information (subject to exemptions under FOIA and exceptions under EIR). Compliance is regulated by The Information Commissioner

Freedom of Information Act

Anyone anywhere may request any information from a public body such as a school.

Requests must:

- be in writing;
- provide a valid address to respond to [an e-mail is sufficient];
- describe the information requested

What the school must do

1. Respond to the request in 20 working days [even when no information is held or a request is being refused]

Note working days are term time days only – school holidays do not count towards the time limit

2. Provide the information or an explanation of why it is not being provided e.g. information not held or why an exemption is being applied.

Note if some [absolute] exemptions are being applied then there may be no need to confirm or deny

3. Publish a "Publication scheme" which is a list of information which the school will routinely publish e.g. School Policies, Governing Body minutes. The information Commissioner's Office [ICO] model template for schools must be used

4. Provide Advice and Assistance to the Requestor for example the school may not hold some information but may be able to suggest who does.

It is advisable to:

Keep a log of requests;

Provide an internal review process where the request is reviewed by someone who has not been involved in responding to the original request e.g. Chair of Governors or The Head Teacher. If there is an internal review process the ICO will not consider a request until the internal process is complete

Keep statistics on the number of requests received and the number completed within the time limit

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Environmental information Regulations

Most requests received by a school are likely to be FOI requests but the Environmental Information Regulations would apply to the following:

The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

Factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;

Requests relate to any information held in writing, visual, aural, electronic or any other material form.

Requests do not have to be in writing they may be verbal

What the school must do

1. Respond to the request in 20 working days [even when no information is held or a request is being refused]

Note working days are term time days only – school holidays do not count towards the time limit

2. Provide the information or an explanation of why it is not being provided e.g. information not held or why an exception is being applied.

Note if some [absolute] exception are being applied then there may be no need to confirm or deny

It is advisable to

Keep a log of requests;

Provide an internal review process where the request is reviewed by someone who has not been involved in responding to the original request e.g. Chair of Governors or The Head Teacher. If there is an internal review process the ICO will not consider a request until the internal process is complete

Keep statistics on the number of requests received and the number completed within the time limit

Further detailed guidance is available on this site and from the Information Commissioners Office

www.ico.org.uk

Freedom of Information Act 2000

Definition document for the governing bodies of maintained and other state-funded schools in Wales

For the avoidance of doubt, this information covers all schools in Wales that are subject to the Freedom of Information Act 2000 (FOIA). Sixth form colleges may opt to use either this definition document or the one for colleges of further education, as appropriate to their constitution, and must make clear which document they are using.

This guidance will be of most use to schools developing their own guide to information. Smaller schools may alternatively use the template Guide to Information for the schools sector.

The guidance is intended to assist schools by giving examples of the kinds of information that we would expect them to provide in order to meet their commitments under the FOIA model publication scheme. Schools should note that they are not expected to routinely publish all information; for example, where they do not hold it or where it is publicly available elsewhere or is exempt. We list such circumstances below.

We would expect schools to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOI exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website; such information may have been provided either by the school or on its behalf. The school must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

If the information is only held by another public authority, the school should provide details of where to obtain it.

The guidance is not meant to give an exhaustive or definitive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and authorities should look to provide as much information as possible on a routine basis.

As a minimum we expect schools to make available information that is required by statute or by the Welsh Government or by virtue of a funding agreement, for example. For the avoidance of doubt, we would not expect schools that are subject to a funding agreement to provide information contrary to its provisions, although we consider such a conflict to be unlikely to arise.

Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance on the dataset provisions in FOIA](#). This explains what is meant by "not appropriate" and "capable of re-use".

Who we are and what we do

Organisational information, structures, locations and contacts.

We would expect information in this class to be current information only.

- **Instrument of Government**

The Instrument of Government is the document which records the name and category of the school and the name and constitution of its governing body.

- **School prospectus**

The contents of the school prospectus and curriculum.

Once the prospectus has been published and made available to parents, access to it should be available to anyone.

An outline of the school curriculum.

- **Governors' Annual Report to parents**

- **Governing Body**

The names of the governors should be available, and the basis on which they have been appointed, along with details of how to contact them via the school.

- **School session times and term dates**

Details of school session times and dates of school terms and holidays.

- **Location and contact information**

The address, telephone number, email address and website for the school together with the names of key personnel.

What we spend and how we spend it

Financial information about projected and actual income and expenditure, procurement, contracts and financial audit.

The minimum we would expect is that financial information for the current and previous two financial years should be available.

- **Annual budget plan and financial statements**

Details of the sources of funding and income provided to the school and the school's annual income and expenditure returns.

Details of items of expenditure over £5000, including costs, supplier and transaction information. This should be published at least annually but at a more frequent quarterly or six-monthly interval where it is practical for schools to do so.

- **Capital funding**

Information on major plans for capital expenditure. Details of the capital funding allocated to or by the school together with information on related building projects and other capital projects. This should include any private finance initiative and public-private partnership contracts.

- **Financial audit reports**

- **Procurement and contracts**

Details of procedures used for the acquisition of goods and services. Details of contracts that have gone through a formal tendering process.

- **Pay policy**

The statement of the school's policy and procedures regarding teachers' pay.

- **Staff allowances and expenses**

Details of the allowances or expenses that can be incurred or claimed. It should include the total of the allowances and expenses paid to individual staff members by reference to categories. This information should be produced in line with the school's policies, practices and procedures and must at least include travel, subsistence and accommodation. For the purpose of this document, "senior staff" means staff on the Senior Management or Leadership Team or equivalent level, or above, whose basic actual salary is at least £60,000 per annum.

- **Staff pay and grading structures**

The names and positions of all staff of the school, and how they may be contacted via the school. This may be provided as part of the organisational structure and should include, as a minimum, the salaries for senior staff as defined above. The salaries should be stated in bands of £10,000. For more junior posts, levels of pay should be identified by salary range.

- **Governors' allowances**

Details of allowances and expenses that can be incurred or claimed, and a record of total payments made to individual governors.

What our priorities are and how we are doing

Strategies and plans, performance indicators, audits, inspections and reviews.

The minimum we would expect in this class is current information.

Below is a list of the type of information that we would expect schools to have readily available for publication. Any other reports or recorded information showing the school's planned or actual performance should normally be included. If the information is readily and publicly available via an external website, the school may instead provide a direct link to that, as stated on page one of this document.

- **School profile**

- Performance data supplied to the Welsh Government.
- Summary of latest Estyn report; full Estyn report.
- The required narrative sections covering areas such as: successes during the year; areas of improvement; efforts to meet the individual needs of every child; pupils' health, safety and support; post-Estyn action plan; and links with parents and the community.

- **Performance management information**

Performance management policy and procedures adopted by the governing body.

- **The school's future plans**

Any major proposals for the future of the school involving, for example, consultation on a change in school status.

- **Safeguarding and child protection**

The policies and procedures that are in place to ensure that the school exercises its functions with a view to safeguarding and promoting the welfare of children, including child protection, in compliance with any guidance issued by the Welsh Government.

How we make decisions

Decision-making processes and records of decisions.

We would expect information in this class to be available at least for the current and previous three years.

- **Admissions policy / decisions**

The school's admission arrangements and procedures, together with information about the right of appeal. We would not expect individual admission decisions to be published, but we would expect information on application numbers/patterns of successful applicants (including criteria on which applications were successful) to be published if this information is held by the school. If the school is not its own admissions authority, it should provide an appropriate link to the local authority.

- **Minutes of meetings of the Governing body and its committees**

Minutes, agendas and papers considered at such meetings should be published as soon as practicable, with the exception of information that is properly considered to be private to the meeting.

Our policies and procedures

Current written protocols, policies and procedures for delivering our services and responsibilities.

We would expect information in this class to be current only.

- **School policies and other documents**

This must include, as a minimum, policies, procedures and

documents that the school is required to have by statute or by the Welsh Government or by its funding agreement or equivalent. We would expect this information to include the required policies listed in the Department for Education and Skills publication “The school governors’ guide to the law”. It will also include policies and procedures for handling information requests.

- **Records management and personal data policies**

This will include information security policies, records retention, destruction and archive policies, and data protection (including data sharing) policies.

- **Equality and diversity**

This will include policies, schemes, statements, procedures and guidelines relating to equal opportunities. It will also include a Welsh Language Scheme in accordance with the Welsh Language Act 1993.

- **Policies and procedures for the recruitment of staff**

If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

If the school charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

Lists and registers

We expect this to be information contained in currently maintained lists and registers only.

- **Curriculum circulars and statutory instruments**

Statutory Instruments (for example Regulations), departmental circulars and administrative memoranda sent to the Head Teacher/Governing Body concerning the curriculum.

- **Disclosure logs**

If a school produces a disclosure log indicating the information provided in response to requests, it should be readily available. Disclosure logs are recommended as good practice.

- **Asset register**

We would expect some information from capital asset registers to be available, if such registers are held.

- **Any information the school is currently legally required to hold in publicly available registers**

The services we offer

Information about the services the school provides including leaflets, guidance and newsletters.

Generally this is an extension of part of the first class of information and may also relate to information covered in other classes.

Examples of services that could be included here are:

- **Extra-curricular activities**
- **Out of school clubs**
- **School publications**
- **Services for which the school is entitled to recover a fee, together with those fees**
- **Leaflets, booklets and newsletters**