

Scholars' Education Trust

POLICY TITLE:	Freedom of Information Act 2000 / Publication Scheme
STATUS	Statutory
REVIEWED BY:	Trust Board
DATE DUE:	Spring 2016
DATE OF APPROVAL:	22/29 March 2016
DATE of REVIEW:	Spring 2018
Lead Responsibility:	Headteacher

❖ School = School and /or Academy

This is the Scholar's Education Trust School Publication Scheme on information available under the Freedom of Information Act 2000.

AIMS

The Scholar's Education Trust (Trust) is committed to the Freedom of Information Act 2000 (FOIA), which came into effect on 1 January 2005 and which includes Academies by the Academies Act 2010, with effect from 1 January 2011. The Trust is committed to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our framework for managing requests.

Under the FOIA 2000, 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 are dealt with in accordance with statutory guidance. Whilst the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Publication Scheme will set out:

- 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.

Information will be made available, unless:

- we do not hold the information;
- the information is exempt under one of the FOI exemptions or Environmental Information Regulations (EIRs) exceptions, or its release is prohibited under another statute;
- the information is archived, out of date or otherwise inaccessible; or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.

The Scheme covers information already published and information which is to be published in the future. All information in the Publication Scheme is either available on the school website to download and print off or available in paper form. The Publication Scheme is derived from the model Publication Scheme for schools approved by the Information Commissioner.

The school endeavours to make as much information as possible available online. If any of the information is not available online, the scheme will explain how it can be accessed. The school continues to develop this scheme to increase the amount of information that can be accessed through it.

Requests for information about anything relating to the environment – such as air, water, land, the natural world, or the built environment and any other factor or measure affecting these – are covered by the Environmental Information Regulations. Requests under EIR are dealt with in the same way as those under FOIA, but they do not need to be written and can be verbal.

The Trust does not charge for information which is accessed from the respective school websites. However, it may pass on costs for reproducing information or providing it in alternative formats. Information for some specialist information services is chargeable. Details of these costs are listed in the **Schedule of Charges. Please also refer to Appendix B.**

PROCEDURE

If you require a paper version of any of the documents within the scheme, please contact the school by telephone, email, fax or letter. Contact details are set out below or you can visit the school websites at www.sjl.herts.sch.uk or www.samuelryderacademy.co.uk

Email: admin@sjl.herts.sch.uk

Tel: **01582 760043**

Fax: **01582 463170**

Contact Address: **Sir John Lawes School, Manland Way, Harpenden, AL5 4QP**

Email: admin@samuelryderacademy.co.uk

Tel: **01727 859382**

Fax: **01727 810199**

Contact Address: **Samuel Ryder Academy, Drakes Drive, St Albans, AL1 5AR**

To help us process your request quickly, please clearly mark any correspondence “PUBLICATION SCHEME REQUEST” (in CAPITALS please)

If the information you’re looking for isn’t available via the scheme and isn’t on our website, you can still contact the school to ask if we have it.

EXEMPTIONS

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed in Appendix A

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

The school 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 from the date of request.

PUBLIC INTEREST TEST

Unless it is in the public interest to withhold information, it has to be released. The school will apply the Public Interest Test before any qualified exemptions are applied. For information on applying the Public Interest Test see Appendix A.

CHARGES

Information published on our website is free, although you may incur costs from your Internet service provider. If you don't have Internet access, you can access our website using a local library or an Internet café.

Single copies of information covered by this publication are provided free unless stated otherwise. 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 before fulfilling your request. Where there is a charge this will be indicated by a £ sign in the description box. The school reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

RESPONSIBILITIES

The Trust has delegated the day to day responsibility for compliance with FOIA to the respective Headteachers. The Freedom of Information Policy will be reviewed biennially each local Governing Body.

FEEDBACK AND COMPLAINTS

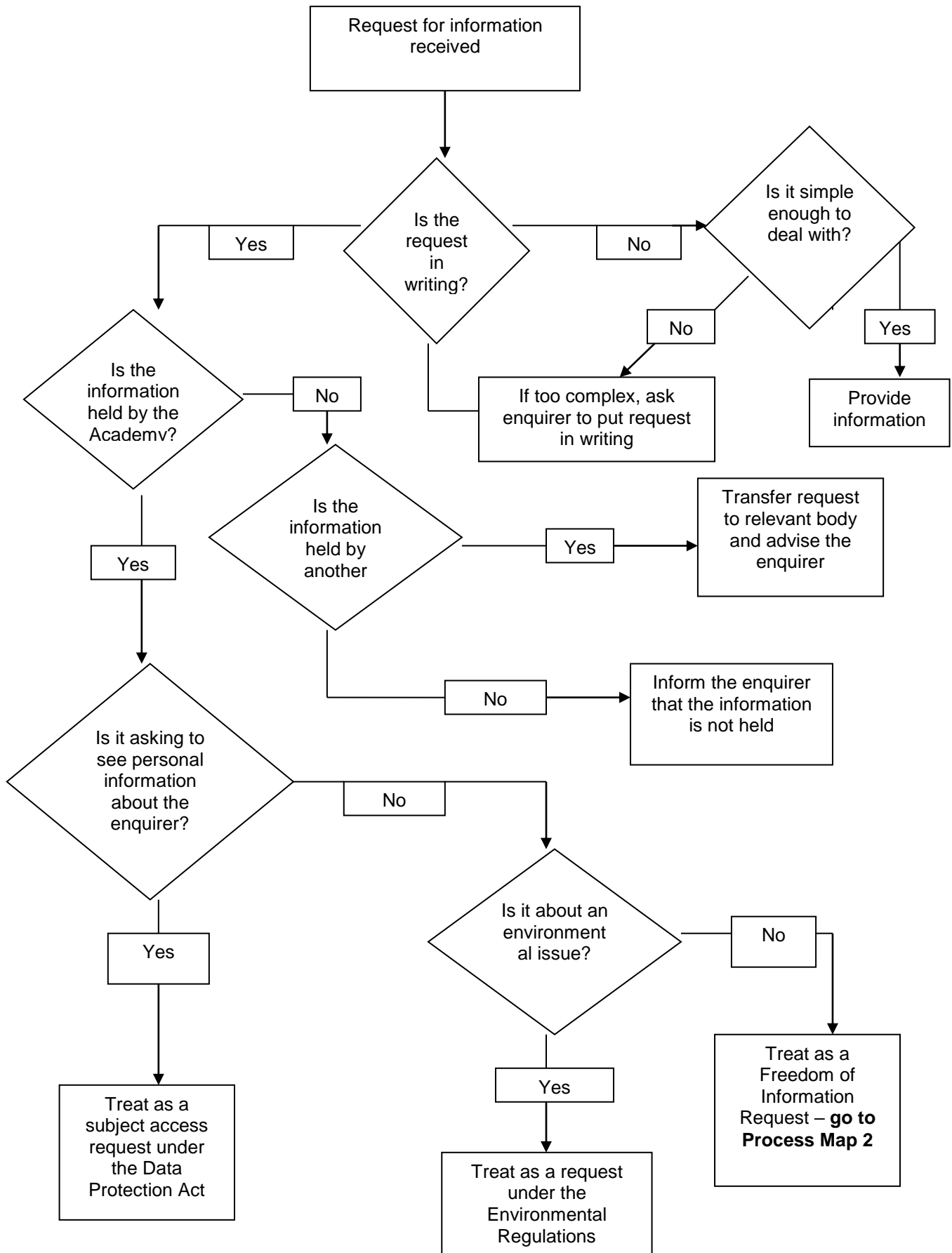
We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to the Headteacher, Sir John Lawes School, Manland Way, Harpenden, AL5 4QP.

If you are not satisfied with the assistance that you get or if a resolution to your complaint has not been found 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 organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

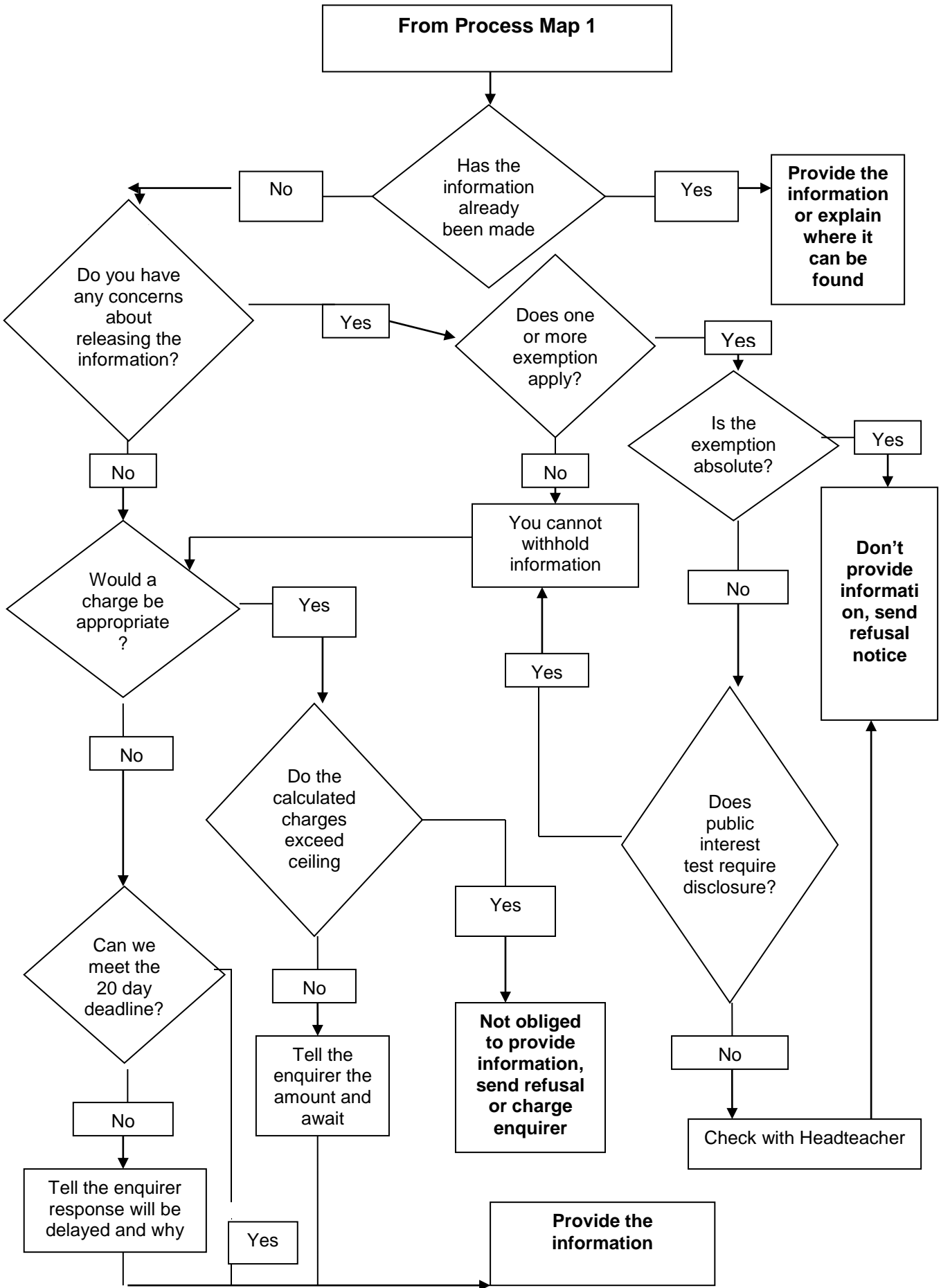
Enquiry/Information Line: 01625 545 700
E Mail: publications@ic-foi.demon.co.uk
Website: www.ico.gov.uk

Equalities impact assessment considered

Process Map 1 – Procedures for dealing with FOI requests



Process Map 2 – Procedures for dealing with FOI requests



CLASSIFICATION OF INFORMATION CURRENTLY PUBLISHED

Class 1 - Who we are and what we do	(hard copy and / or website)	SJL website	Cost
Who's who in the school		Website for faculty information	
Who's who on the Governing Body and the basis of their appointment		Website	
School Prospectus	Paper and electronic	Website or on application	
School session times and term dates		Website	
Location and contact information		Website	
GCSE results		Website	
Class 2 - What we spend and how we spend it Financial information about projected and actual income and expenditure, procurement, contracts and financial audit Current and previous two financial years as a minimum.	(hardcopy and / or website)		
Annual budget plan and financial statements	Annual Financial Statement as submitted to the DfE	On application	To be advised
Capital Funding	Statutory Accounts: Sources of funding & income eg. Funding, grants and investment income	On application	To be advised
Additional Funding	Income generation schemes and other sources of funding	On application	To be advised
Procurement and projects	Details of procedures used for acquisition of goods and services. Details of contracts that have gone through a formal tendering process	On application	To be advised
Pay Policy		On application	To be advised
Staffing and grading structure	Pay bands applicable. May be provided as part of the staff structure and should indicate for most posts the level of pay rather than individual salaries	On application	To be advised
Governors' Allowances	N/A		
Class 3 - What our priorities are and how we are doing (Current strategies and plans, performance indicators, audits, inspections and reviews. (Current information as a minimum)	(hard copy and/ or website)		
School profile <ul style="list-style-type: none"> • Government supplied performance data • The latest OFSTED report (Summary/full report) 	Link to DfE website Link to OFSTED website	Website Website	

Performance Management Information		On application	To be advised
School's future plans	School Development Plan	On application	To be advised
Every Child Matters / Child Protection Policies and procedures	Existing policies	Website or on application	
Class 4 - How we make decisions Decision-making processes and records of decisions. Current and previous three years as a minimum.	(hard copy and/or website)		
Admissions policy / decisions (not individual admission decisions)	Current Admissions Policy	Website	
Agenda and Minutes of meetings of the Governing body and its sub-committees (nb: this will exclude information that is properly regarded as private to the meetings)	Agendas and minutes where key decisions are made about the Academy	On application	To be advised
Class 5 - Our policies and procedures Current written protocols, policies and procedures for delivering our services and responsibilities.	(hard copy and/or website)		
School policies including: <ul style="list-style-type: none"> • Charging and Remissions • Health and Safety • Complaints Procedure • Behaviour Management • Equality and Diversity (including Race, Gender and Disability) • Safer Recruitment Pupil and Curriculum policies including: <ul style="list-style-type: none"> • Home School Agreement • Curriculum • Sex Education • Special Educational Needs • Accessibility • Collective Worship • Careers Education Records management and personal data policies: <ul style="list-style-type: none"> • Data Protection / Privacy Notice • Records Management 	Existing policies	Website	
	Existing policies	Website	
	Existing policies Records Management Society recommendations	Website On application	To be advised

Class 6 - Lists and registers Any information the school is currently legally required to hold in publicly available registers - Currently maintained lists and registers only.	(hard copy and/or website; some information may only be available for inspection)		
<ul style="list-style-type: none"> • Disclosure logs • Asset values / register 	Log Statutory accounts only	On application On application	To be advised To be advised
The services we offer Information about the services the school provides including leaflets, guidance and newsletters. Current information only.	(hard copy or website; some information may only be available by inspection)		
<ul style="list-style-type: none"> • Extra-curricular activities • Out of school clubs • School publications • Leaflets, booklets and newsletters. 	Where available Where available Where available Where available	On application On application On application On application	To be advised

FREEDOM OF INFORMATION POLICY - APPENDIX A

APPLYING THE PUBLIC INTEREST TEST

Having established that a qualified exemption definitely applies to a particular case, we must then carry out a public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. Therefore, unless it is in the public interest to withhold the information, it has to be released. Although precedent and a case law will play a part, individual circumstances will vary and each case will need to be considered on its own merits.

It is worth noting that what is in the public interest is not necessarily the same as that which may be of interest to the public. It may be irrelevant that a matter may be the subject of public curiosity.

In most cases it will be relatively straightforward to decide where the balance of the public interest in disclosure lies. However, there will inevitably be cases where the decision is a difficult one.

Factors that might be taken into account when weighing the public interest include:

For Disclosure	Against Disclosure
Is disclosure likely to increase access to information held by the school?	Is disclosure likely to distort public reporting or be misleading because it is incomplete?
Is disclosure likely to give the reasons for a decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?	Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues still on the internal agenda or evolving?
Is disclosure likely to improve the accountability and transparency of the school in the use of public funds and help to show that it obtains value for money?	Is disclosure likely to cause unnecessary public alarm or confusion?
Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed policy?	Is disclosure likely to seriously jeopardise the schools' legal or contractual position?
Is disclosure likely to increase public participation in decision making?	Is disclosure likely to infringe upon other legislation eg: Data Protection Act
Is disclosure likely to increase public participation in the political processes in general?	Is disclosure likely to create a controversial precedent on the release of information or impair our ability to obtain information in the future?
Is disclosure likely to bring to light information affecting public safety?	Is disclosure likely to adversely affect the school's proper functioning and discourage openness in expressing opinions?
Is disclosure likely to reduce further enquiries on the topic?	If a large amount of information on the topic has already been made available, would further disclosure shed any more light or serve any useful purpose?

Note also that:

- Potential or actual embarrassment to, or loss of confidence in, the school, staff or Governors is not a valid factor to consider.
- The fact that the information is technical, complex to understand and may be misunderstood may not for itself be a reason to withhold information.
- The potential harm of releasing information will reduce over time and should be considered at the time the request is made rather than by reference to when the relevant decision was originally taken.
- The balance of the public interest in disclosure cannot always be decided on the basis of whether the disclosure of particular information would cause harm, but on certain higher order considerations such as the need to preserve confidentiality of internal discussions.

- A decision not to release information may be perverse, ie: would a decision to withhold information because it is not in the public interest to release it, itself result in harm to public safety, the environment or a third party.

Each school will record the answers to these questions and the reasons for these answers. Deciding on the public interest is not simply a matter of adding up the number of relevant factors on each side. The school will decide how important each factor is in the circumstances and make an overall assessment. The assessment will be reviewed by the Headteacher.

DECISION FOR DISCLOSURE

Where the balance of the public interest lies in disclosure, the enquiry will be dealt with and the information required will be made available.

DECISION AGAINST DISCLOSURE

After carrying out the public interest test if it is decided that the exemption should still apply, the school will reply to the request with the appropriate reply under the circumstances.

There will be occasions when it has been decided that a qualified exemption applies but consideration of the public interest test may take longer. In such a case, we will contact the enquirer within 20 working days stating that a particular exemption applies, but we will include an estimate of the date by which a decision on the public interest test will be made. This will be within a reasonable time, normally no more than 10 working days beyond the 20 days.

FREEDOM OF INFORMATION POLICY - APPENDIX B

CHARGING

Different charges apply for requests under the Data Protection Act.

CAN A CHARGE BE LEVIED?

FOI does not require charges to be made but the school has the discretion to charge applicants a fee in accordance with the Fee Regulations, available on the DCA website www.dca.gov.uk/foi/secleg.htm

CHARGING CONSIDERATIONS

Step 1 – Is the information exempt for the purposes of the FOIA? – If the information is exempt, then charges do not apply. The school would contact the enquirer to inform them that the information is exempt. There will be no charge.

Step 2 – Do the school wish to calculate whether the cost of the request would exceed the appropriate limit (currently £450)? – In many cases, it will be obvious that the request would cost less than the appropriate limit, so we would not make the calculation.

Step 3 – We will calculate the appropriate limit? – Staff costs are calculated at £25 per hour, regardless of which member of staff gathers the information. When calculating whether the limit is exceeded, the school take into account the costs of determining whether the information is held, where it is held, retrieving the information and extracting the information from other documents. As per the guidelines, the school do not take into account the costs involved with considering whether information is exempt under the Act.

Step 4 – Does the request cost less than the limit? – If a request costs less than the limit, as per the guidelines, we will 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).

Step 5 – Does the request exceed the limit? If a request would cost more than the limit, the school can turn the request down, answer and charge a fee, or answer and waive the fee. If the school chooses to comply with a request where the estimated cost exceeds the threshold the school will calculate the charge as per step 3, plus the costs from step 4.

Step 6 – For all requests, the school will consider the following points:

- The duty to provide advice and assistance to applicants. If the school plans to turn down a request for cost reasons it will contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that it would cost less than the appropriate limit; or
- If the school plans to suggest charging the applicant a high fee, the school will contact the applicant in advance to discuss the amount of the charge and whether they would prefer the scope of the request to be modified so that it would cost less than the appropriate limit; or
- Maximum amount that can be charged. The Regulations set out the maximum amount that can be charged. They do not set out a minimum charge nor prevent the academy from charging no fee. We may, for simple and straightforward requests, waive a fee.

CAN COSTS BE AGGREGATED WHERE THERE ARE MULTIPLE REQUESTS?

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 costs of complying with any of the requests are to be taken to be the estimated total cost of complying with them all, provided that:

- A The two or more requests referred to in that section are for information which is on the same subject matter or is otherwise related;
- B The last of the requests is received by the school by the twentieth school day following the date of receipt of the first of the requests; and
- C It appears to the school that the requests have been made in an attempt to ensure that the prescribed costs of compiling separately with each request would not exceed the appropriate limit.

If multiple requests for the same information are received, the school may decide to include it in the publication scheme.

HOW WILL THE APPLICANT BE INFORMED OF THE CHARGE

Where we intend to charge a fee for complying with a request for information, the school will give the person requesting the information notice in writing (the 'fees notice') stating that a fee of the amount specified in the notice is to be charged for complying.

The school will require proof of delivery of a fees notice, either signed for in the post or emailed with a return receipt request. Where a fees notice has been given to the person making a request, the school will not comply with the request until the fee is paid within three months of the notice being received.