



Freedom of Information Policy

Approved by: The Governing Body **Date:** 06/12/2021

Last reviewed on: October 2017

Next review due by: December 2022

Chair of Governors: *J S Andrews*

Origin: This document is based on the currently available 'Freedom of Information Policy for Schools' published by the Leicester City Council 18/11/2021.

Responsibility: It is the responsibility of the Governors to ensure procedures are in place to ensure that the school handles information requests which it receives.

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1. Introduction – Statement of Intent

The City of Leicester College is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2000, the access provisions of the Data Protection Act 2018, including the General Data Protection Regulation 2018. The School will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so.

The underlying principle of this policy is that the public have a right to access to recorded information held by the School and that the School should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

2. Definition of Terms

FoIA - The Freedom of Information Act 2000

DPA - the Data Protection Act 2018

EIR - the Environmental Information Regulations 2004

ICO - The Information Commissioner's Office

3. Background

The FoIA applies to all public authorities and came fully into force on 1st January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions, within twenty working days. The Act is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1st January 2005. Section 19 of the Act also obliges the School to make information pro-actively available in the form of an approved "publication scheme".

The EIR provides a statutory right of access to "environmental information", as defined in these regulations. The EIR came into force on 1st January 2005 and replaces the existing 1992 Regulations. The EIR are also fully retrospective.

The Government's Information Commissioner enforces these three information regimes.

4. Timescales

Freedom of Information requests should be dealt with within 20 working days, excluding school holidays.

5. Delegated responsibilities

Overall responsibility for ensuring that the School meets the statutory requirements of the FoIA, EIR and DPA lies with the Governors and the Chair of Governors has overall responsibility for information management issues. They have delegated the

day-to-day responsibility of implementation to the Head teacher.

The Head teacher currently fulfils the role of 'Fol Officer'. All School staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the Fol officer where necessary.

6. 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 Act's powers are fully retrospective. Information in draft form will also be accessible under the Act.

It should be noted that access to personal information (that is information from which a living individual can be identified) is governed under the Data Protection Act 2018. Requests for access to such information will be governed in line with the requirements of this legislation and the School's Data Protection Policy.

7. Requesting information

The School will offer reasonable advice and assistance to anybody wishing to make a request for information. We are committed to dealing with requests within statutory guidelines, which means that a response will be made no more than 20 working days from the date of request and more speedily if possible. This may be extended in specific circumstances in connection with the public interest test for an extra 20 days.

Repeated or vexatious requests for information will be refused. The School will claim exemptions as appropriate whilst maintaining a commitment to openness, scrutiny and the public interest. The School will put in place an appropriate procedure for measuring the public interest when considering a qualified (also known as "non-absolute") exemption which requires such a test.

Any request in writing will be considered a Freedom of Information request including those received by signed letter, fax or via the School's social media sites. There is no need for requests to indicate that they are made under the Act and all requests will be dealt with under this policy. The School reserves the right to refuse requests where the cost of locating and retrieving the information would exceed the statutory maximum (currently £450 – 18 hours work).

The School recognises that requests for environmental information may be made over the telephone and that different exemptions (called exceptions) apply.

8. Adopting and Maintaining a Publication Scheme

The School will adopt a 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 are regularly asked for. Material contained within

the publication scheme, and the scheme itself, will be readily available. Where charges are applied these will be stated in the Scheme. The scheme can be accessed in school on request or will be published on the School's website. School staff will give advice and assistance on how to use the scheme as appropriate.

The School will review this scheme regularly. Whenever any information is provided in response to a recorded FoIA enquiry, the School will assess whether the information is suitable for wider publication. In general, there will be a presumption in favour of publishing such information on the School's website.

9. Withholding Information

The Freedom of Information Act contains 23 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. The School will only withhold information if it falls within the scope of one or more of these exemptions.

Wherever a "public interest" exemption is being considered (a non-absolute exemption), the School will only withhold that information which it can demonstrate that the public interest will be best served by withholding.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld. The applicant will also be given details of the right to challenge the decision through the School's Governing Body and the right of appeal to the Information Commissioner's Office.

The School will also refuse to supply information under the EIR where an EIR exception is valid or where the request is considered 'manifestly unreasonable'.

10. Releasing a Third Party's Information

Where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, the staff member that received the request will seek input from the FoI officer prior to the release of the information.

The release of third party information 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.

Where appropriate, the School will contact the individual to ask for permission to disclose the information. If consent is not obtained, either because it was not considered appropriate to approach the third party or the third party could not be contacted or consent is refused. The School will then consider if it is reasonable to disclose the information, taking into account:

- any duty of confidentiality owed to the third party
- the steps taken to seek consent

- whether the third party is able to give consent and
- any express refusal of consent

The decision to disclose third party information will also consider the impact of disclosure on the third party, relative to the impact on the applicant of withholding the information. Where the third party has been acting in an official, rather than private capacity, the School will be minded to disclose the information, although decisions will be made on a case by case basis.

Where the third party is an organisation, rather than an individual, the provisions of DPA 2018 will not apply. The School will consider consulting the third party concerning the release of their information where:

- the views of the third party may assist the School to decide whether an exemption under the Act applies to the information and
- in the event of the public interest test being applied, where the views of the third party may assist the School to make a decision relating to where the public interest lies

Where input from a third party is required, the response time for the request remains the same. Therefore, it will be made clear to the third party at the outset that they have a limited time for their views to be provided and that where responses are not immediate, the decision to disclose may have to be made without their input in order for the School to comply with the statutory time limits dictated by the legislation.

The School will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially.

11. 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. (Appendix B)

12. 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 School will inform the requester if it is issuing the dataset on any other terms, otherwise it will allow 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".

13. Complaints Procedure

Whenever the School withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the School's complaints procedure and of the right of appeal to the ICO. Any complaint received will be dealt with in accordance with the School's complaints procedure as detailed in its Complaints Policy. If the result of the complaints is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.

14. Illegal Actions

It is a criminal offence under any of the three information regimes for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information request. Both the FoIA and EIR contain specific provisions to make such action a criminal offence. The School may take disciplinary action against any member of staff committing such a crime with the School's information.

15. Further Information

Further advice and information about the Freedom of Information Act, including full details of exemptions and advice on the public interest test, is available from the ICO website at www.ico.org.uk or Leicester City Council's Information Governance & Risk Team.

16. Review of the Policy

This policy is to be reviewed annually.

Appendix A

The City of Leicester College Publication Scheme:

Information	How the Information can be obtained	Cost
Class 1 - Who we are and what we do		
Organisational information, structures, locations and contacts	Website: About the College	No Charge
Who's who in the College	Website: Home page – Meet the Rest of the Team	No Charge
Who's who on the Governing body and the basis of their appointment	Website: Key information – Governing Body	No Charge
Instrument of Government/Articles of association	Website: Key Information - Governing Body	No Charge
Contact details for the Head teacher and for the Governing body, via the College	Website: Key Information – Governing Body Contact Us	No Charge
College Prospectus	Website: About the College	No Charge
Annual Report	Not available	Not applicable
Staffing structure	Website: Home page – Meet the Rest of the Team	No Charge
College session times and term dates	Website: Parents & Students – Term & Diary Dates	No Charge
Address of College and contact details	Website: Contact Us	No Charge

Class 2 - What we spend and how we spend it		
Current and previous year	Hard Copy	Refer to disbursement cost
Annual budget plan and financial statements	Hard Copy	Refer to disbursement cost
Capital Funding	Hard Copy	Refer to disbursement cost
Financial audit reports	Hard Copy	Refer to disbursement cost
Details of expenditure over £2,000	Hard Copy	Refer to disbursement cost
Procurement and contracts the College has entered into	Hard Copy	Refer to disbursement cost

Pay Policy	Website: Key Information	No Charge
Staff allowances	Hard Copy	Refer to disbursement cost
Staffing, pay and grading structure (in bands of £10k)	Hard Copy	Refer to disbursement cost
Governor Allowances	Website: Key information: Policies Payments: Hard copy	Refer to disbursement cost

Class 3 - What our priorities are and how we are doing		
Strategy plans	Hard copy	Refer to disbursement cost
Ofsted report	Website: About the College - Achievement & Ofsted	No Charge
Performance Management policy and procedures	Hard copy	Refer to disbursement cost
Performance data	Hard Copy	Refer to disbursement cost
Future Plans for the College	Hard Copy	Refer to disbursement cost
Safeguarding and Child protection	Website: Key information - Behaviour & Safety	No Charge

Class 4 - How we make decisions		
Decision making processes and records of decisions (3 years)	Hard Copy	Refer to disbursement cost
Admissions Policy	Website: Key Information - Admissions	No Charge
Agendas and Minutes of Governing Body Minutes (Excluding information that is regarded as private)	Hard Copy	Refer to disbursement cost

Class 5 - Our Policies and procedures		
Policies, Procedures and documents required by statute	Website: Key information - Policies	No Charge
Records management and personal data policies Information security policies Records retention destruction and archive policies Data protection	Website: Key information - Policies	No Charge

Charging regimes	Website: Key information - Policies	No Charge
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The City of Leicester College

Freedom of Information Act 2000

The governing body is responsible for maintenance of this scheme.

1. Introduction: what a publication scheme is and why it has been developed

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

To do this we must produce a publication scheme, setting 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.

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is available in paper form from the School. Some of the information may also be available on the School website.

Some information which we hold may not be made public, for example personal information. There are clear exemptions to the requirement to produce information on demand, so as to protect confidential/sensitive/personal data, for example about children or members of staff.

This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

How to request information

If you require a paper version of any of the documents within the scheme, please contact the school by telephone, email or letter. Contact details are set out below.

Email: office@cityleicester.leicester.sch.uk

Tel: 0116 2413984

Contact Address: Downing Drive, Evington, Leicester, LE5 6LN

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 you can still contact

the school to ask if we have it.

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 School.

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 in the first instance to the Chair of Governors. If you are not happy with the response, you can write 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's Office
Wycliffe House
Water Lane
Wilmslow SK9 5AF
Telephone: 0303 123 1113
www.ico.org.uk
Email: casework@ico.org.uk

Appendix B

Example Contract Clauses

1. FREEDOM OF INFORMATION

- 1.1 The Service Provider acknowledges that the School is subject to the requirements of the FOIA and the Environmental Information Regulations and shall assist and co-operate with the School (at the Service Provider's expense) to enable the School to comply with these information disclosure requirements.
- 1.2 The Service Provider shall and shall procure that its Sub-Contractors shall:
 - (a) transfer the Request for Information to the School as soon as practicable after receipt and in any event within two Working Days of receiving a Request for Information;
 - (b) provide the School with a copy of all Information in its possession or power in the form that the School requires within five Working Days (or such other period as the School may specify) of the School requesting that Information; and
 - (c) provide all necessary assistance as reasonably requested by the School to enable the School to respond to a Request for Information within the time for compliance set out in section 10 of the FOIA or regulation 5 of the Environmental Information Regulations.

- 1.3 The School shall be responsible for determining at its absolute discretion whether any Information:
 - (a) is exempt from disclosure in accordance with the provisions of the FOIA or the Environmental Information Regulations; and/or
 - (b) is to be disclosed in response to a Request for Information.
- 1.4 In no event shall the Service Provider respond directly to a Request for Information unless expressly authorised to do so by the School.
- 1.5 The Service Provider acknowledges that the School may, acting in accordance with the Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part 1 of FOIA (issued under section 45 of the FOIA, November 2004), be obliged under the FOIA or the Environmental Information Regulations to disclose Information:
 - (a) without consulting with the Service Provider; or
 - (b) following consultation with the Service Provider and having taken its views into account,provided always that where clause 17.5(b) applies the School shall, in accordance with any recommendations of the Code, take reasonable steps, where appropriate, to give the Service Provider advanced notice, or failing that, to draw the disclosure to the Service Provider's attention after any such disclosure.
- 1.6 The Service Provider shall ensure that all Information produced in the course of this agreement or relating to this agreement is retained for disclosure and shall permit the School to inspect such records as requested from time to time.
- 1.7 The Service Provider acknowledges that any details provided by it outlining information that it considers to be confidential or commercially sensitive are of indicative value only and that the School may nevertheless be obliged to disclose such information in accordance with clause 17.5.