

Willerby Carr Lane

Primary School



Freedom of Information Policy

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Introduction

Willerby Carr Lane Primary 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.

Procedure for Dealing with Requests

In handling a request for information the School will ask themselves a series of questions. These are set out below.

Right of Access - Is it a Freedom of Information (FOI) request for information?

- 1.1 The Freedom of Information (FOI) Act 2000 ('the Act') gives a right of access to information. Any person who makes a request to a School for information is entitled:
- To be informed in writing by the School whether it holds information meeting the description set out in the request; and
 - To have information the School holds relating to the request communicated to them.

These rights apply unless an exemption in Part II of the Act applies, or the request can be refused under sections 12 or 14, as set out in the legislation.

- 1.2 Section 84 of the Act defines the 'information' a School can be asked to provide under the Act. It makes clear that it means recorded information held in any form, electronic or paper.
- 1.3 Schools are not required to create new information in order to comply with a request for information under the Act. They only need to consider information already in existence at the time a request is received.
- 1.4 A request to a School for recorded information will be treated as a request under the Act, other than:
- information given out as part of routine business, for example, standard responses to general enquiries;
 - a request for environmental information; or
 - the requester's own personal data.
- 1.5 A request for environmental information only should be dealt with under the Environmental Information Regulations 2004, and a request for a person's own personal data should be dealt with under the subject access provisions of the Data Protection Act 2018 – refer to our Data Protection Policy. Sometimes it may be necessary to consider a request under more than one access regime.
- 1.6 The Act provides a right to information. Disclosing existing documents will often be the most straightforward way of providing information. However, in other cases it may be appropriate to extract the relevant information for disclosure and put in a single document rather than redact the existing document that contains it.

- 1.7 There will be occasions where a request is made under the Act but does not in fact meet the above description of being a request for recorded information. This may include requests for explanations, clarification of policy, comments on the School's business, and any other correspondence that does not follow the definition of a valid request. It is best practice to provide an applicant with an explanation of why their request will not be treated under the Act if this is the case and to respond to their correspondence through other channels as appropriate. It is open to the applicant to appeal the handling of their correspondence to the Information Commissioner's Office.

If an applicant states a preference for receiving information in a specific format we shall, if required to disclose information, aim to meet this preference as far as is reasonably practicable. Applicants may, for instance, request to receive the information in an electronic or hard copy format.

When considering whether it is reasonable to meet an applicant's wishes, we may, for instance, consider the cost and complexity of providing information in the format requested and the resources we have available.

If an applicant doesn't state a preference, we can communicate information by "any means which are reasonable in the circumstances".

Does the School hold the information?

Information is 'held' by the School if it is retained for the purposes of the School's business. Purely personal, political, constituency, or trade union information, for example, will not be 'held' for the purposes of the Act and so will not be relevant for the purposes of the request. Where a School holds or stores information solely on behalf of another person or body that material will also not be 'held' by that authority for the purposes of the Act.

'Holding' includes information which:

- The School has created at the time of request, or
- The School has stored in off-site servers or Cloud storage
- Is held by another body on the School's behalf.

Information means both hard copy and digital information, including emails. If the School does not hold the information, we do not have to create or acquire it just to answer the enquiry, although a reasonable search should be made before responding that we have **not** got the information the School might be expected to hold.

Information created after a request is received is not within the scope of the application and is therefore not "held" for the purposes of the Act. A search for information which has been deleted from a School's records before a request is received, and is only held in electronic back up files, should generally be regarded as not being held .

Is it a valid request?

All requests for information must be made in writing. This can either be in hard copy or electronically;

- a request for information must state the name of the applicant and an address for correspondence. Applicants must provide their real name and not use a pseudonym. Both email and postal addresses are acceptable;

- a request for information must also adequately describe the information sought.

We do not have to comply with requests that do not meet these requirements and we will write to the applicant and explain this if this is the case.

A request submitted through social media will be valid where it meets the validity requirements by providing an applicant's name and address for correspondence and a clear request for information. Addresses for correspondence can take the form of an email address or a unique name or identifier on a social media platform (for example a Twitter handle), as well as postal addresses. Requests must be addressed directly to the School the applicant is seeking information from, which includes elected officials and appointed representatives, when acting in their formal capacity.

Requests submitted in a foreign language are not generally considered valid requests. We are not expected to obtain translations of suspected requests for information and if the School receives a request in a foreign language, we will ask the applicant to provide their request in English in order for the request to be processed.

If an applicant states a preference for receiving information in a specific format we will, required to disclose information, aim to meet this preference as far as is reasonably practicable. Applicants may, for instance, request to receive the information in an electronic or hard copy format.

When considering whether it is reasonable to meet an applicant's wishes, we may, for instance, consider the cost and complexity of providing information in the format requested and the resources available. If an applicant doesn't state a preference, we can communicate information by "any means which are reasonable in the circumstances"

Advice and Assistance to Prospective Requesters

Applicants can send requests for information or for assistance in writing to:

Headteacher
Willerby Carr Lane Primary School
Carr Lane
Willerby
HU10 6JT

Email: admin@carrlanepimary.net

There is no requirement for a request for recorded information specifically to mention the Act in order to be a valid FOI request. Where an applicant asks a School to disclose recorded information but does not specifically mention the Act, and the request complies with valid requests above, the School should consider the request under the Act in any case and let the applicant know that this is how the request is being handled. Where a person seeks to make a request orally they should be advised to put their application in writing.

There may be circumstances where a person is unable to frame their request in writing, for example owing to a disability. In these instances the School should make sure that assistance is given to enable them to make a request for information.

Time Limits for Responding to Requests

As per the statutory deadlines to respond to requests for information we will respond to requests for information promptly and within 20 working days following the date of receipt of the request.

On receipt of a request for information, our initial response will contain:

- A statement that the request has been dealt with under the Act;
- Confirmation that the requested information is held or not held by the School or a statement neither confirming or denying whether the information is held;
- The process, contact details and timescales for the School's internal review appeals process;
- Information about the applicant's further right of appeal to the Information Commissioner and contact details for the Information Commissioner's Office.
- If some or all of the information cannot be disclosed, details setting out why this is the case, including the sections (with sub-sections) the School is relying on if relevant. When explaining the application of named exemptions, however, we are not expected to provide any information which is itself exempt.

The date on which a request is received is the day on which it arrives or, if this is not a working day, the first working day following its arrival. Non-working days include weekends and public holidays anywhere in the UK.

The initial 20 working day deadline can be extended in certain circumstances as we may sometimes find it difficult to deal with requests under the standard deadlines. These initial deadlines cannot go beyond 60 working days following receipt of a request, except where payment of a fee is awaited.

Public interest test extensions

We may exceed the 20 working day deadline (or, where permitted by section 10(4) regulations, longer) if information falls within the scope of a qualified exemption and additional time is required to consider the public interest test. This is set out in Section 10(3) of the Act and is normally described as a public interest test extension.

An extension is permitted "until such time as is reasonable in the circumstances", taking account, for example, of where the information is especially complex or voluminous, or where we need to consult third parties, normally this is no more than a further 20 working days although this will depend on the circumstances of the case, including again the complexity and volume of the material, and in some circumstances a longer extension may be appropriate.

Where we decide a public interest test extension is required we will write to the applicant to inform them that this is the case, stating which exemption(s) it is relied on, and why, and ideally provide the applicant with a new deadline for when they should receive their response. If the deadline has to be further extended they should write again to the applicant.

Clarifying the Request

Where a School asks for further information or clarification to enable the requester to meet requested requirements, a 20 working day response period will not start until a satisfactory reply constituting a valid request is received. Letters should make clear that if no response is received the request will be considered closed by the School. We will wait two months to receive clarification before closing a request.

Transferring Requests for Information

There will be occasions when we are not able to comply with a request (or to comply with it in full) because we do not hold the information requested. In most cases where we do not hold the information, but think that another organisation does, we will respond to the applicant to inform them that the requested information is not held by us, and that it may be held by another organisation. The School will, as best practice where we can, provide the contact details for the organisation we believe holds the requested information.

Where we ask a different organisation directly to deal with the request by transferring it to them, this should only be done with the applicant's agreement in case the requester objects to their details being passed on.

Consultation with Third Parties

There may be circumstances when we need to consult third parties about information held in scope of a request in order to consider whether information is suitable for disclosure. These may include:

- when requests for information relate to persons or bodies who are not the applicant and/or the School; or
- when disclosure of information is likely to affect the interests of persons or bodies who are not the applicant or the School.

Charging

We reserve the right to charge a fee for complying with requests for information under FOI if information is actually provided. The fees will be calculated according to FOI regulations, and the person notified of the charge before information is supplied. Most requests will be responded to free of charge.

Where we intend to charge for the cost of providing information, we will send a fees notice stating the amount to be paid, including how this has been calculated, as soon as possible within the 20 working day response period. The notice will inform applicants:

- that the 20 working day period for responding to the request will be paused until payment is received with a deadline of three months in which the fee should be paid;
- how to pay the fee; and
- their rights of complaint via internal review and to the Information Commissioner about the fee levied.

We reserve the right to charge for:

- actual production expenses (e.g. redacting exempt information, printing or photocopying);
- transmission costs (e.g. postage); and
- complying with the applicant's preferences about the format in which they would like to receive the information (e.g. scanning to a CD).

Once the fee is received, we will process it promptly and inform the applicant of the revised 20 working day response deadline. It is permissible to wait until a cheque clears before recommencing work. If we underestimate the costs to be charged, we will not issue a second fees notice and bear the additional cost within the School.

Cost Limit

We are within our rights to refuse to deal with any requests where we estimate that responding to the request would exceed the 'cost limit' of £450 and we are not obliged to provide a substantive response.

Where a request is refused we will consider what advice and assistance can be provided to help the applicant reframe or refocus their request with a view to bringing it within the cost limit. This may include suggesting that the subject or timespan of the request is narrowed. Any refined request will be treated as a new request for the purposes of the Act.

Vexatious Requests

We are not obliged to provide a substantive response to a request if the request is vexatious.

We will consider a request vexatious where the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. Factors considered include:

- the burden it places on a School and its staff;
- the likely motives for the request;
- the potential value or purpose of the request;
- any harassment or distress to staff.

We will also consider whether a request is vexatious through the following:

- what is the burden imposed on the School by the request?
- is there a personal grudge behind the request?
- is the requester unreasonably persisting in seeking information in relation to issues already addressed by the School?
- does the request have any serious purpose or value?

If we have previously complied with a request for information (i.e. provided the information sought), it does not need to comply with a further request for the same information made by the same person, unless a reasonable interval has elapsed between compliance with the first request and receipt of the second.

Internal Reviews

Our school has a procedure in place for dealing with disputes about its handling of requests for information. These disputes will usually be dealt with as a request for an "internal review" of the original decision and we distinguish between a request for an internal review, which seeks to challenge either the outcome or the process of the handling of the initial response, and a general complaint, which is handled under the normal complaint procedure.

If applicants wish to request an internal review, you should do so in writing to:

Headteacher
Willerby Carr Lane Primary School
Carr Lane
Willerby
HU10 6JT

Email: admin@carrlaneprimary.net

Applicants also have the right to complain to the Information Commissioner in writing if they are still dissatisfied following the outcome of the School's internal review.

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

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

We will accept a request for an internal review made within 40 working days from the date a School has issued an initial response to a request and this will be made clear in that response to the applicant.

Requests for internal review will be acknowledged and the applicant informed of the target date for responding. This is normally within 20 working days of receipt of the request. The response to a request for an Internal Review will contain:

- Whether the Internal Reviewer agrees with the original response or not;
- Whether the reviewer considers that new exemptions are applicable and, if so, details of these exemptions and why they are engaged (to the extent they can without providing exempt information);
- Information about the applicant's further right of appeal to the Information Commissioner and contact details for the Information Commissioner's Office.

If an internal review is complex, requires consultation with third parties or the relevant information is of a high volume, we may need longer than 20 working days to consider the issues and respond. In these instances, we will inform the applicant and provide a reasonable target date by which they will be able to respond to the internal review. It is normally no more than an additional 20 working days.

Wherever possible, the internal review will be undertaken by someone other than the person who took the original decision.

Datasets

Datasets detail a collection of factual information in electronic form to do with the services and functions of our School that is neither the product of analysis or interpretation, nor an official statistic and has not been materially altered.

If we are providing information that constitutes a dataset and the requester has expressed a preference to receive the information in electronic form, we will provide it in a re-usable form so far as reasonably practicable.

When dealing with a request involving a dataset, we will first consider whether the information is exempt from disclosure under any FOIA exemption. In particular we will consider whether any personal data may be disclosed and also ensure that we own the copyright and database rights in a dataset before licensing it for re-use.

Publication Scheme

The school as adopted the Information Commissioner's Office model publication scheme as per the Freedom of Information Act 2000, which details the information we can make available, how that information is made available and any associated costs, which is as follows:

Information to be published.	How information can be obtained	Cost
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts)		
Instrument of Government - Name and category of the school and the name and constitution of its governing body	Website	No charge
Who's who in the school	Website	No charge
Who's who on the governing body / board of governors and the basis of their appointment	Website	No charge
Contact details for the Head teacher and for the governing body (via the school)	Website	No charge
Staffing structure	Website	No charge
School session times and term dates	Website	No charge
Address of school and contact details, including email address.	Website	No charge
Class 2 – What we spend and how we spend it (Financial information relating to procurement, contracts and financial audit). Current and previous two years as a minimum.		
Details of items of expenditure over £5000 (annually)	Hard copy	See charges
Capital funding	Hard copy	See charges
Financial audit reports	Hard copy	See charges
Procurement and contracts	Hard copy	See charges
Pay policy	Hard copy	See charges
Staff Allowances	Hard copy	See charges

Staff Grading	Hard Copy	See charges
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews). Current information.		
<ul style="list-style-type: none"> Government supplied performance data 	Hard copy	See charges
<ul style="list-style-type: none"> The latest Ofsted report 	Website	No charge
Performance management policy and procedures adopted by the governing body.	Hard copy	See charges
Performance data or a direct link to it	Email	No Charge
Safeguarding – policies and procedures	Website	No Charge
Class 4 – How we make decisions (Decision making processes and records of decisions). Current and previous three years.		
Admissions policy/decisions (not individual admission decisions) – where applicable	Website	No Charge
Agendas and minutes of meetings of the governing body and its committees. (NB this will exclude information that is properly regarded as private to the meetings).	Hard Copy	See Charges
Committee Terms of Reference	Hard Copy	See Charges
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities). Current information.		
<p>School policies including:</p> <ul style="list-style-type: none"> Charging and Remissions Child Protection Complaints Procedure Medical Health and Safety Equality 	<p>Website</p> <p>Website</p> <p>Website</p> <p>Website</p> <p>Hard Copy</p> <p>Website</p>	<p>No Charge</p> <p>No Charge</p> <p>No Charge</p> <p>No Charge</p> <p>See Charges</p> <p>No Charge</p>
<p>Pupil policies including:</p> <ul style="list-style-type: none"> Accessibility Plan Sex and Relationship Special Educational Needs Anti-Bullying Medical Conditions 	<p>Website</p> <p>Website</p> <p>Website</p> <p>Website</p> <p>Website</p>	<p>No Charge</p> <p>No Charge</p> <p>No Charge</p> <p>No Charge</p> <p>No Charge</p>
<p>Records management and personal data policies including:</p> <ul style="list-style-type: none"> Records Retention Data Protection Freedom of Information/Publication Scheme 	<p>Hard Copy</p> <p>Website</p> <p>Website</p>	<p>See Charges</p> <p>No Charge</p> <p>No Charge</p>

Class 6 – Lists and Registers Currently maintained lists and registers only (this does not include the attendance register).		
Curriculum information	Website	No Charge
Disclosure logs	Hard Copy	See Charges
Asset register	Inspection	No Charge
Any information the school is currently legally required to hold in publicly available registers (excluding attendance registers)	Hard Copy	See charges
Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses). Current information only		
Extra-curricular activities	Hard Copy	See Charges
Out of school clubs	Hard Copy	See Charges
Services for which the school is entitled to recover a fee, together with those fees	Hard Copy	See Charges
School newsletters	Website	No Charge

