



Freedom of Information Policy

Policy Agreed: 24th May 2023
Review date: Summer 2024
Head Teacher: Anthony David
Chair of Governors: Eric Sorenson

We believe that everyone is precious and loved by God. We aspire to let our light shine in all that we do. We nurture and empower one another to flourish. Together we shine in our world by showing compassion and by serving others. Let God's light shine through us.

Statement of intent

As an educational provider, our school has an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement. More specifically, this policy outlines our school's policy and procedures for:

- The release and publication of private data and public records.
- Providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by the school in obtaining any requested information, and on charging fees for its provision.

Legal framework

This policy has due regard to the following legislation:

- The General Data Protection Regulation
- The Data Protection Act 2018
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy also has due regard to guidance including, but not limited to, the following:

- Cabinet Office (2018) 'Freedom of Information Code of Practice'
- ICO (2013) 'Definition document for the governing bodies of maintained and other state-funded schools in England'
- ICO (2015) 'Model publication scheme'
- ICO (2016) 'Duty to provide advice and assistance (section 16)'
- ICO (2015) 'Time limits for compliance under the Freedom of Information Act (section 10)'

1. Introduction

The Freedom of Information Act 2000 (FoIA) provides a general legal entitlement to all information held by the school. Therefore, any individual or body has the legal right:

To request all information held by the school, regardless of when it was created, by whom, or the form in which it is now held. (Monken Hadley has a Retention Schedule developed by the LDBS based on the schedule recommended by the Records Management Society of Great Britain, which guides the school as to how long it should keep records.)

To be informed whether the school holds such information and if so to have that information communicated to them.

The Act operates in conjunction with the Data Protection Act 1998 and the Environmental Information Regulations 2004, 2018 GDPR and the 2018 Data Protection Act.

2. Purpose

The Policy provides the framework for openness and accountability as:

- A significant portion of information about the school is made available to the public through the school's website;
- Requests for information are responded to within 20 working days;
- Exemptions under the FoIA, and associated public interest tests, are applied appropriately;
- A fair and efficient internal appeal system is administered.

3. Scope

This policy applies to all recorded information that Monken Hadley holds, including, information created, received and maintained by staff in the course of their work. Information can be held in a number of different media including paper and electronic. Requests for personal data are covered by the Data Protection Act (2018). 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. 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.

3 Policy Statements

Monken Hadley believes in the ethos of the Data Protection Act (2018) and Freedom of Information Act (FoIA 2000) and accepts its obligations under it and will seek to make information readily available. The school, as far as possible, will not charge fees for handling information requests. The school will apply the “appropriate limit” and where the cost of complying with requests exceeds this, we will ask the requestor to refine the request. The school will deal with initial complaints from requestors through its internal complaints procedures.

4 Responsibilities

Monken Hadley will recognise its responsibility under the FoIA as follows:

- Responsibility for ensuring compliance with this policy lies with the Chair of Governors and Head Teacher.

The Executive Head Teacher is the “qualified person” who has to respond to the disclosure / nondisclosure of information that would “prejudice effective conduct of public affairs” (Section 36 of the FoIA).

The Head of School has the day-to-day responsibilities for co-ordinating the school's Freedom of Information function including:

- the overall development and maintenance of FoIA compliance throughout the school and in particular for establishing and promoting good practice;
- reviewing this policy and all procedures and guidance;
- ensuring all information requests have been answered in line with the legislation;
- maintaining a register of freedom of information requests;
- providing general guidance and training, as well as specific advice, on any aspect of the FoIA, including the Publication Scheme, how to handle information requests and how to apply exemptions;

- liaising with the Information Commissioner's Office.

Information Representatives (Anthony David, Executive Head Teacher) are to co-ordinate the Freedom of Information requests received in their schools.

All staff, whether or not they create, or manage information have responsibilities under the FoIA. They are to ensure that any information request they may receive is handled in compliance with this policy. In general, all staff should:

- study this policy;
- provide information needed to respond to information requests within 10 working days of receiving a request from the Information Representative (Anthony David, Executive Head Teacher, that the requestor can receive a response within the statutory 20 working days.

5 Information Requests

Monken Hadley's will always release information requested unless there is a very good reason, permitted by the law, not to do so.

Information not already made available in the school's Publication Scheme will be obtained when a requestor sends a written request. Requestors will not be sent information which any of the absolute exemptions apply.

Monken Hadley's must respond to any request within 20 working days, but where further reasonable clarification is needed, the requestor will be contacted.

6 Public Interest Test

In line with the FoIA, if the school considers applying a qualified exemption when a request for information is received, then the school is obliged to consider whether there is a greater public interest in providing the information to the requestor, or in maintaining the exemption.

7 Fees

Monken Hadley is able to charge fees for the provision of information and its stance on charging fees will be:

- Fees will not be charged for the provision of information available through the Publication Scheme unless a charge is already included in the scheme;
- Fees will not be charged for the provision of information made in response to a request where in complying with that request the cost will not be more than the upper limit of £450 or 18 working hours in accordance with the guidance issued by the Information Commissioner;
- Fees may be charged where compliance with a request would exceed the upper limit of £450. All such requests will be dealt with on a case by case basis;
- Where applicable, fees must be paid before the information is provided.

8 Appeals Procedures

Applicants dissatisfied with the school's initial response to a request for information would need to make a complaint in writing to the Chair of Governors.

9 Guidance

All members of staff should receive an introductory briefing on the Freedom of Information Act and relevant compliance procedures.

Guidance on the procedures necessary to comply with this policy are available from the Company Secretary.