LLANGIWG PRIMARY SCHOOL



FREEDOM OF INFORMATION POLICY

Neath Port Talbot Council
Schools Information Governance Service

Schools Freedom of Information Policy
2023 v2.0

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1 Introduction

The School is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2000 and the access provisions of the UK General Data Protection Regulation. 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 Background

The Freedom of Information Act 2000 (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. The Act definition of a public authority to include maintained schools, academy schools and further and higher education institutions. Section 19 of the Act also obliges the School to make information pro-actively available in the form of an approved publication scheme.

The Environmental Information Regulations 2004 (EIR) provides a statutory right of access to environmental information held by public authorities, which includes schools. The EIR came into force on 1st January 2005 and are also fully retrospective.

The UK General Data Protection Regulations (GDPR) came into force in 2018 as the EU GDPR and was followed by the Data Protection Act 2018. These were later incorporate into UK law as the UK GDPR. These cover how personal information can be used and the rights of individuals relating to their personal information.

Collectively these information regimes are referred to as Information Legislation and their provisions are enforced by the Information Commissioner's Office (ICO).

3 Scope

This policy applies to all information held by the 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 UK GDPR and 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.

4 Responsibility

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 Freedom of Information Officer (FOI 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 FoI officer where necessary.

5 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 website. There is no requirement 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. The cost limit is calculated at a flat rate of £25 per hour of work, this is currently £450 (18 hours of work).

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

6 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 requested. 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 Freedom of Information 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.

7 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'.

8 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 UK GDPR. Both the EIR and FoIA permit information to be withheld when its release would breach the provisions of the UK GDPR.

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 take into account 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 UK GDPR 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.

9 Information held within School Contracts

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)**

10 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*.

11 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.

12 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.

13 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

14 Review of the Policy

This policy is to be reviewed bi-annually.

Appendix A: Publication Scheme

LLANGIWG PRIMARY SCHOOL Publication Scheme

Freedom of Information Act 2000

The governing body is responsible for maintenance of this scheme.

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, fax or letter. Contact details are set out below.

Email: office@llangiwg.npt.school
Tel: 01792 863274
Contact Address: New Road Ynysmeudwy SA8 4PJ

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.

Paying for information

Single copies of information covered by this publication are provided free unless stated otherwise in section 5. 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.

Publication Scheme Items

Who we are and what we do Organisational information, structures, locations and contacts.
Instrument of Government / Articles of Association 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. Academies and Free Schools have Articles of Association instead. **School prospectus and curriculum** The contents of the school prospectus (if any). Once a prospectus has been published and made available to parents, access to it should be available to anyone. An outline of the school curriculum. **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 financial information for the current and previous two financial years is available.

Annual budget plan and financial statements

Details of the sources of funding and income provided to the school by a local authority or directly by central government or from elsewhere, including the private sector, together with the annual budget plan 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 and expenses that can be incurred or claimed. It should include the total of the allowances and expenses paid to individual senior 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. Those 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.

Below is a list of the type of information readily available for publication. Any other reports or recorded information showing the school's planned or actual performance should be included. For information, which is available via the website, the school has provided a direct link.

Performance data supplied to the government
Latest Estyn report
Performance Management information
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 that the school exercises its functions with a view to safeguarding and promoting the welfare of children, including child protection, in compliance with legislation and any guidance issued by the Secretary of State

How we make decisions

Decision-making processes and records of decisions.

Information in this class should 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 formation 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.

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 its funding agreement or equivalent. We would expect this information to include the required policies listed on the Department for Education's website. 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 also include policies, schemes, statements, procedures and guidelines relating to equal opportunities.

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 reuse under the Open Government Licence.

The services we offer Information about the services the school provides including leaflets, guidance and newsletters.
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**

Appendix B: Example of Contract Clauses

The below is provided as an example of the content of clauses in respect of Freedom of Information and are not included as template 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 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 1.5(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 1.5.