



Freedom of Information Statutory policy

Policy Review

This policy was adopted, reviewed and agreed by the Governing Board on 16th May 2023

It is due for review in May 2024 (up to 1 year from the above date).

Signature Chair of Governors:

Mrs K Redrup

All the governors and staff of Binstead Primary School are committed to sharing a common objective to help keep the children and staff of the school community safe. We ensure that consistent effective safeguarding procedures are in place in order to support families, children and staff of the school.

Revision Record

Revision No.	Date Issued	Prepared By	Approved	Comments
1	April 2023	SBM		Tidied up original version, no amendments needed
2				
3				

Aims

This policy will set out how to make a Freedom of Information Request from this school. Not all information can be made available under the law. Many items of information will already be published on the school website such as the SEND offer, Pupil Premium, and school policies.

Legal Framework

This school will have due regard to:

- The Data Protection Act 1998
- The Freedom of Information Act 2000 (FoI)
- The Freedom of Information and Data Protection (Appropriate Limit & Fees) Regulations 2004

And have due regard to the Information Commissioner's Office (ICO) guidance on matters relating to Freedom of Information.

Please also see the [Data Protection Policy](#)

Accepting requests for information

A request for information must satisfy the following criteria:

- It is in writing
- It states the name of the applicant and an address for correspondence
- It describes the information requested

'In Writing' can be:

- Transmitted by electronic means such as email
- It is in legible form
- It can be used subsequently for reference

The school publishes contact details on its school website and all initial requests should be marked for the attention of the Headteacher. A named individual will be allocated to your request depending on the nature of the content.

The process

If the request complies with the criteria above, the school will, within the next 20 working schools days:

1. Acknowledge the request
2. Decide if they can comply with the request with regard to what is available under law
3. If they can comply with the request they will supply the information (subject to possible charges)
4. If they cannot comply with the request they will inform the person making the request and give the reason.

Exemptions

The school will **not** comply with the request if any of the following apply:

- If the school reasonably requires more information in order to meet the request, has told the applicant of this request, but received no reply with the extra information
- The information has become inaccessible, such as it being in archived storage, or in a format that can no longer be accessed, or a similar reason.
- The information is exempt under section 2 of the FOI Act 2000
<http://www.legislation.gov.uk/ukpga/2000/36/part/II> The school will notify the applicant if they believe the information to be exempt, clearly stating the reason why the information is exempt
- The cost of providing the information exceeds the appropriate limit
- The request is vexatious
- The request is a repeated request from the same person made within 60 working school days of the initial

request

- A fee notice has not been honoured

Providing the information in a requested format

- The school will provide the information in the requested format if at all possible
- Where it is not possible to provide the information in the requested format the school will discuss with the applicant other formats, ensuring that it takes into account its responsibilities under the Equality Act 2010
- The school will provide the information in the language in which it is held. If translation is required the school will provide this service.

The appropriate limit

- The school will not comply with any FoI request that exceeds the statutorily imposed appropriate limit of £450
- The school will take into account the following points which it can reasonably expect to incur when determining the costs of complying with a FoI request:
 - a) Determining whether it holds the information
 - b) Locating the information, or a document which contains the information
 - c) Retrieving the information or document which holds the information
 - d) Extracting the information from a document containing it
 - e) Costs related to the time spent by any person undertaking any of the activities outlined in this list on behalf of the school. Costs will be estimated at a rate of £25 per person per hour.
- Where multiple requests for information are made to the school within 60 consecutive days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of replying with any of the requests is to be taken to be the total costs to the school of complying with all of them.

Charging fees

- The school may, within the 20 working days, give an applicant who has requested information from the school written notice that a fee is to be charged for the school's compliance
- Charges may be made for disbursements such as, but not exclusively, the following:
 - a) Photocopying
 - b) Postage and packaging
 - c) Costs directly incurred as a result of viewing information
- Fees charged will not exceed the cost to the school of informing the applicant if the information is held and communicating that information to the applicant
- If a fee is to be charged the school will not comply with supplying the information unless the fee is paid within 3 months, beginning on the day the fees notice is given to the applicant
- The school will not take into account any costs attributable to the time spent by persons undertaking the two bullet points above
- When calculating the 20th working day in which to respond to an FoI the period beginning on the day on which the fee notice is given to the applicant and ending on the day on which the fee is received will be disregarded

Communication

If an applicant expresses a preference for communication of the information in a particular way the school will, as far as is practicable, endeavour to do so including:

- Provision of a copy of the information in a permanent format or in another form acceptable to the applicant
- Provision of a reasonable opportunity to inspect a record containing the information
- Provision of a summary of the information in a permanent format or another form acceptable to the applicant

Advice and Assistance

The school will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made requests for information to the school.

The school may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information the school holds and the format in which it is available as well as information on the fees regulations and charging procedures
- If a request has been made but the school is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for the school to assist the individual who has made the request

The school will provide assistance on a case by case basis, examples of which may include those below:

- Informing an applicant of their rights under the Freedom of Information Act 2000
- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
- Advising an applicant if information is available elsewhere and how to access this information
- Keeping an applicant informed on the progress of their request

In order to provide assistance as outlined above, the school will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request.
- Accurately record and document all correspondence concerning the clarification and handling of any request.
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
- Remain prepared to assist an applicant who has had their request denied due to an exemption.

The school will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.

In circumstances where an applicant has difficulty submitting a written request, the school will:

- Make a note of the application over the telephone or in person and then send/hand the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
- Direct the individual to a different agency that may be able to assist with framing their request.

NB. This list is not exhaustive and the school may decide to take additional assistance measures that are appropriate to the case.

Where an applicant's request has been refused either because the information is accessible by other means; or the information is intended for future publication or research, the school, as a matter of good practice, will provide advice and assistance.

- The school will advise the applicant how and where information can be obtained, if it is accessible by other means.
- Where there is an intention to publish the information in the future, the school will advise the applicant of

when this publication is expected.

- If the request is not clear, the school will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.
- If the school is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.
- If any additional clarification is needed for the remainder of a request, the school will ensure there is no delay in asking for further information.
- If an applicant decides not to follow the school's advice and assistance and fails to provide clarification, the school is under no obligation to contact the applicant again.
- If the school is under any doubt that the applicant did not receive the advice and assistance, the school will re-issue it.
- The school is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under Section 14 of the Freedom of Information Act 2000.
- The school is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the school will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.
- A record will be kept by the headteacher, or their designate, in the school office of all the advice and assistance provided.

Publication Scheme

The school will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the school website and/or by other means. It will also state if the information is free of charge or on payment.

The publication scheme in this school is reviewed annually; or as needed by legislation; or other major changes.

Please see separate document entitled [Freedom of Information Scheme](#)