



St Mary's
Catholic Primary School and Nursery

FREEDON OF INFORMATION POLICY

Policy Statement

The Freedom of Information Act (FOIA) 2000 came into effect on 30 November 2000 and gives a general right of access to recorded information held by a public authority, including schools, subject to certain exemptions.

St Mary's Catholic Primary School & Nursery is committed to complying with the provisions of FOIA.

Definitions

The School

St Mary's Catholic Primary School & Nursery.

Appropriate Limit

The limit set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 as amended from time to time.

Fee Notice

The amount the Requester will need to pay in order for St Mary's to comply with the request for information.

FOIA

The Freedom of Information Act 2000 and amendments.

GDPR

The General Data Protection Regulation [and the Data Protection Act 2018].

Publication Scheme

A list of information we will routinely publish via the school website (Appendix 1).

Requester

The person making a request for information from St Mary's.

Social Media

Websites and applications that enable users to create and share content or to participate in social networking including Facebook, LinkedIn, Twitter, Google+, and all other social

networking sites, internet postings and blogs. It applies to use of Social Media for School purposes as well as personal use that may affect St Mary's in any way.

Procedure for Making a Request for Information

St Mary's requires that requests for information pursuant to the provisions of FOIA are made in writing. St Mary's considers 'in writing' to mean communications by post, pupil post and email.

Please send requests for information held by the School to:

Postal:

St Mary's Catholic Primary School & Nursery, Dane Bank Avenue, Crewe, Cheshire CW2 8AD.

Email:

admin@stmarysrc.cheshire.sch.uk

A request for information made to St Mary's should provide the name of the Requester and an address for correspondence and should clearly set out the information requested from the School.

Duty to Assist

There may be circumstances where:

- it is unclear to what information is requested
- it appears that the request for information is such, that responding will cause St Mary's to exceed to Appropriate Limit

In these circumstances, St Mary's will seek to provide advice and assistance to the Requester. This will enable us to provide the requester with the information they require or alternatively, inform the requester why it is not possible.

Time Limit for Responding To Requests for Information

St Mary's will seek to respond to a request for information promptly and in any event no later than 20 School days or 60 working days from the date of the request whichever is the earlier.

A School day is any day on which there is a school session. A working day means any other day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday.

Where a fee is payable for responding to the request, St Mary's will disregard any day between a Fee Notice being sent to the Requester and the correct fee being received by the School when calculating the time limit for responding.

St Mary's may charge for requests where it incurs costs in photocopying, printing or otherwise reproducing the requested information; and/or where we will incur a significant fee for providing the requested information in the format requested by the Requester. There may also be a charge where we have issued a Fee Notice and the Requester has agreed to pay the fee as set out in the Fee Notice.

In the event that we are unable to respond within the periods set out above, we will write to the Requester advising them that they will be unable to comply in the timescale and provide a new time scale for responding to the request.

Fees

St Mary's is not obliged to comply with a request for information if the cumulative time spent on locating, retrieving or, if necessary, extracting the information requested is estimated to exceed the Appropriate Limit.

We may decide to provide information requested in excess of the Appropriate Limit without charging a fee where it considers it reasonable and within the public interest to do so.

Where it appears that responding to a request for information will result in the School exceeding the Appropriate Limit and we do not waive the fee for complying with the request, St Mary's may provide the Requester with a Fee Notice. We will also inform the Requester how it has estimated that the Appropriate Limit will be exceeded, what information it could provide within the Appropriate Limit and provide the Requester with the opportunity to narrow their request.

Where we have issued a Fee Notice and the Requester indicates they are not prepared to pay the fee as set out in the Fee Notice or does not pay the fee as set out in the Fee Notice within three months, St Mary's is not obliged to comply with the original request. We will however consider any narrowed or amended request.

Exemptions

The right to be provided with information requested may be limited by the application of an exemption. Some exemptions are absolute and others are qualified. Where an exemption applies to information requested, St Mary's may also be exempt from having to confirm or deny that the information exists as well as from disclosing the requested information.

Where a qualified exemption applies to information requested from St Mary's, we will consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The absolute exemptions most relevant to the School are:

- Information accessible by other means (Section 21)
- Personal Information (Section 40)
- Confidential Information (Section 41)
- Prohibitions on Disclosure (Section 44)

The qualified exemptions most relevant to the School are:

- Information intended for future publication (Section 22)
- Prejudice to the Effective Conduct of Public Affairs (Section 36)
- Health and Safety (Section 38)
- Legal Professional Privilege (Section 42)
- Commercial Interests (Section 43)

Where St Mary's relies on an exemption in not complying with a request for information, they will write to the Requester:

- detailing the exemption relied on
- explaining the reason(s) why the School considers that the exemption applies
- explaining why it has decided that the public interest in withholding the information outweighs the public interest in disclosing it

Requests for Personal Data

We will treat a request by individuals to make their own personal data subject to the provisions of FOIA as a subject access request.

We will refuse a request for the personal data of a third party where the provision of that information will contravene any of the principles of the GDPR, pursuant to Section 40(2) of FOIA.

Please refer to the Subject Access Request Guidance available on the school website for further information.

Repeat and Vexatious Requests

The School will not comply with a request for information considered vexatious.

In determining whether a request is vexatious, St Mary's will consider whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress to the School, staff or governors. St Mary's will also consider the burden on the School and any possible distress to its staff or board of governors in responding to the request, the motive of the Requester and the seriousness of the request.

St Mary's will also not comply with a request for information that is identical or substantially similar to a previous request made by the Requester unless a reasonable time has elapsed between the current request and the previous request.

In considering whether a reasonable time has elapsed, St Mary's will take into account the time that has passed between the current request and the previous request and likelihood that the information requested will differ significantly from the information provided in the response to the previous request.

Complaints

An individual having any complaint in connection with how we handled their request for data can complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 700

<https://ico.org.uk>

APPENDIX 1 FREEDOM OF INFORMATION PUBLICATION SCHEME

Introduction

The Freedom of Information Act 2000 (FOIA) requires all public authorities (including schools) to adopt and maintain a publication scheme. In 2008, the Information Commissioner's Office (ICO) changed the emphasis in the approval and operation of publication schemes to a generic model, with effect from 1 January 2009.

The model commits a public authority to 'produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public'.

St Mary's Catholic Primary School & Nursery has adopted the ICO Model Publication Scheme in full, unedited.

The Guide to Information below should be read in conjunction with the ICO Model Publication Scheme, which can be found at:

<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>.

Mrs Lisa Lee, Data Protection Lead is responsible for the Freedom of Information Policy and the provision of advice, guidance, publicity and interpretation of this policy.

INFORMATION TO BE PUBLISHED	HOW THE INFORMATION CAN BE OBTAINED	COST
<p>CLASS 1 - WHO WE ARE AND WHAT WE DO</p> <p>(Organisational information, structures, locations and contacts, current information only)</p> <ol style="list-style-type: none"> 1. Staffing structure 2. Details of the governing body including the basis of their appointment 3. Instrument of Government / Articles of Association 4. Contact details for the Head teacher and for the governing body, via the school (named contacts where possible) 5. School prospectus 6. Annual Report 7. School session times and term dates 8. Address of school and contact details, including email address 	Website (1 to 8)	Free

CLASS 2 - WHAT WE SPEND AND HOW WE SPEND IT

(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)

1. Current and previous financial year as a minimum
2. Annual budget plan and financial statements
3. Capital funding
4. Financial audit reports
5. Details of expenditure items over £2000 – published at least annually but at a more frequent quarterly or six-monthly interval where practical
6. Procurement and contracts the school has entered into, or information relating to / a link to information held by an organisation which has done so on its behalf (for example, a local authority or diocese)
7. Pay Policy
8. Staff allowances and expenses that can be incurred or claimed, with totals paid to individual senior staff members (Senior Leadership Team or equivalent, whose basic actual salary is at least £60,000 per annum) by reference to categories.
9. Staffing, pay and grading structure. As a minimum the pay information should include salaries for senior staff (Senior Leadership Team or equivalent as above) in bands of £10,000; for more junior posts, by salary range
10. Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors

Hard Copy
(1, 2, 3, 4, 5, 6, 8 and 9)

Website
(7 and 10)

Disbursement
Cost

Free

CLASS 3 - WHAT OUR PRIORITIES ARE AND HOW WE ARE DOING

(Strategies and plans, performance indicators, audits, inspections and reviews)

1. School profile

- a. Performance data supplied to the English or a direct link to the data
- b. The latest Ofsted
 - Summary
 - Full report
- c. Post-inspection action plan

2. Performance Management Policy and Procedures adopted by the governing body

3. Performance data or a direct link to it

4. The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status

5. Safeguarding and child protection

Website

Free

CLASS 4 – HOW WE MAKE DECISIONS

(Decision making processes and records of decisions - current and previous three years as a minimum)

1. Admissions Policy/decisions (not individual admission decisions) – where applicable
2. Agendas and minutes of meetings of the governing body and its committees. (Note this will exclude information that is properly regarded as private to the meetings).

Hard Copy
(2)

Website
(1)

Disbursement
Cost

CLASS 5 - OUR POLICIES AND PROCEDURES

Website

Free

(Current written protocols, policies and procedures for delivering our services and responsibilities)

1. School policies and other documents – documents required by statute or by the funding agreement or equivalent. It will also include policies and procedures for handling information requests
2. Records management and personal data policies - security policies, records retention, destruction and archive policies and data protection (including data sharing) policies.
3. Equality and diversity - policies, schemes, statements, procedures and guidelines relating to equal opportunities
4. Policies and procedures for the recruitment of staff – including details of current vacancies
5. Charging regimes and policies – details of statutory regimes, clearly stating the costs that can be recovered, the basis on which they are made and how they are calculated.

CLASS 6 – LISTS AND REGISTERS

(This does not include the attendance register)

1. Curriculum circulars and statutory instruments – statutory instruments, departmental circulars and administrative memoranda sent to the Head teacher/Governing Body concerning the curriculum
2. Disclosure logs – detailing responses to requests
3. Asset register – information regarding capital asset registers, if information is held
4. Any information the school is currently legally required to hold in publicly available registers

Hard Copy

(although some information may only be available by inspection)

Disbursement
Cost

<p>CLASS 7 – THE SERVICES WE OFFER</p> <p>(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)</p> <ol style="list-style-type: none"> 1. Extra-curricular activities 2. Out of school clubs 3. Services for which the school is entitled to recover a fee, together with those fees 4. School publications, leaflets, books and newsletters 	<p>Website</p>	<p>Free</p>
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SCHEDULE OF CHARGES

We have calculated the charges as follows:

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying/printing @ 0.26p per sheet (black & white) Cost of the paper	Actual cost *
	Photocopying/printing @ 2.6p per page side (colour) Cost of the paper	Actual cost *
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee		In accordance with the relevant legislation
Other	As and when required/calculated	

* the actual cost incurred by the School