



METROPOLITAN BOROUGH OF CALDERDALE

# Woodhouse Primary School

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Name of Policy Writer	DPOCOMS
Adopted	November 2024
Next Review Due	November 2025

**This policy has been provided by the Data Protection Officer and will replace the school's existing policy.**



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[www.woodhouse.calderdale.sch.uk](http://www.woodhouse.calderdale.sch.uk)

# Freedom of Information Policy and Schema

## 1. Introduction

The Freedom of Information Act 2000 ('FOA Act') provides members of the public with the right to access most types of recorded information held by a public body.

All public bodies have an obligation to publish certain recorded information; details of this obligation are set out in the schema that forms part of this policy. Other recorded information may be requested by a member of the public as part of a Freedom of Information request, there are certain exceptions that apply to the public's right to receive such information.

This policy does not apply to any records held containing personal information; please refer to the Data Protection Policy for information relating to such records.

The school recognises the importance of the Freedom of Information Act and will ensure that appropriate measures are in place to publicise the recorded information set out in the schema set out in this Policy.

The FOI Act is overseen by the Information Commissioner. It may monitor organisational compliance, issue undertakings, serve information and enforcement notices and, if needed, initiate court proceedings to ensure compliance.

## 2. Purpose and Scope of this Policy

- 2.1 This Policy sets out how we will meet our obligations under the Freedom of Information Act 2000. It also provides the schema detailing what information will be published by us.
- 2.2 The Policy sets out information for individuals who wish to make a request to receive recorded information that we hold and the exceptions that we may apply when deciding whether we can provide that information.

- 2.3 The Policy applies to all recorded information including records created prior to the Act coming into force. The Act does not stipulate any retention periods for records held.
- 2.4 All staff must be aware of, and follow, this Policy. All employees have a legal obligation to preserve formal records in line with the Records Management and Retention Policy. Employees must also ensure information is recorded correctly, accurately, adequately named and indexed for easy retrieval or publication. Poor records management practices are not offences in themselves; however, they may lead to an inability to comply with requirements of the Freedom of Information Act.

### **3. Relationship with other policies**

- 3.1 This policy and schema stand in isolation but it may also be helpful to refer to the following policies:
- Records Management and Retention Policy
  - Data Protection Policy

### **4. Roles and Responsibilities**

- 4.1 The Headteacher is responsible for ensuring that this Policy is updated and followed by all staff.
- 4.2 All staff are responsible for ensuring that records are kept in line with the Records Management and Retention Policy.
- 4.3 Our Data Protection Officer will assist us with dealing with any requests received for recorded information under the Freedom of Information Act.

### **5. Publication of information**

- 5.1 We will publish information via our website or make records available upon request in line with the schema that forms part of this Policy.

### **6. Requests for information under the Act**

- 6.1 Any individual can make a request for information under the Freedom of Information Act.
- 6.2 If a staff member receives a Freedom of Information request, they will contact the Data Protection Officer who will advise and assist in responding to the request.

- 6.3 A Freedom of Information request must be made in writing, and it must be clear what information the individual is requesting to receive.
- 6.4 A request must be submitted by a named individual and proof of identity may be required to verify this.
- 6.5 The response should be provided within 20 working days and will be sent in writing.

**7. Fees**

- 7.1 Following receipt of a request in writing, we may give the requester notice in writing if a fee is payable for providing the information requested. This notice will state the amount of the fee payable to comply with the request.
- 7.2 Where a fee notice has been provided to the applicant, we are not obliged to comply with the request unless the fee is paid within three months of the notice being issued.
- 7.3 A fee notice may be issued when dealing with a request, in line with the 'The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.'
- 7.4 In line with these regulations, when determining whether the cost of the work to respond is estimated to be less than £450 or less than 18 hours of work effort, we are not able to charge a fee. Where the cost exceeds this amount, we will correspond with the applicant either to reduce the requirement (and therefore cost) below the threshold or to agree a fee. If an agreement cannot be reached we may exempt the requested information from disclosure.
- 7.5 In calculating costs, staff time will be charged at a rate of £25 per hour. Disbursements will be charged at the actual cost to us as set out in the table below.

Schedule of charges for disbursements:

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE	CHARGE
<b>Disbursement cost</b>	Photocopying/printing @ 0.00206p per sheet (black & white)	Actual cost	£0.01 pence per page

	Photocopying/printing @ 0.0206p per sheet (colour)	Actual cost	£0.03 pence per page
	Postage	Actual cost of Royal Mail standard 2nd class	As per Royal Mail published charges dependent upon size of the document e.g. standard letter, large letter

**8. Refusal of requests**

- 8.1 Refusal of Requests - the duty to confirm or deny whether information is or is not held does not arise if:
  - An exemption applies under section 2 of the Act;
  - A fees notice has been issued and the fee has not been paid;
  - An estimate demonstrates that the cost of compliance will exceed the appropriate limit; or
  - It can be demonstrated that the request is repeated or vexatious.
  
- 8.2 Upon refusal of a request for information, the applicant will be informed of the reasons for this decision within twenty working days.
  
- 8.3 If we are reliant upon an exemption under part 2 of the Act, relating to the duty to confirm or deny, a notice will be issued within twenty working days, which will state that fact and specify the exemption being applied and why it applies.
  
- 8.4 When responding to an FOI and relying on an exemption we must ensure the response states what exemption is being relied upon and state why the exemption applies.
  
- 8.5 We can refuse the entire request if it would cost too much or take too much staff time to deal with the request, if the request is vexatious or if the request repeats a previous request from the same person.

**9. Vexatious or repeated requests**

- 9.1 We will refuse to comply with a request if it is deemed to be vexatious. This means that we do not have to comply with any part of the request or even confirm or deny whether we hold the information.

- 9.2 When assessing whether a request is vexatious, we will consider the context and history of the request, including the identity of the requester and our previous contact with them.
- 9.3 In deciding whether a request is vexatious, we will consider whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation.
- 9.4 We will refuse to respond to a request if it is repeated. This will apply if it is identical or substantially similar to one that has previously been made by the same requester.
- 9.5 We will not refuse a request as repeated if a reasonable amount of time has passed. What we assess to be a reasonable amount of time will depend on the information requested and how often this information changes.
- 9.6 If we refuse a request on the basis that it is vexatious or repeated, we will send a refusal notice to the requester stating our decision to refuse on the basis that it is vexatious but will not explain our reason for this decision. We will keep a record of our reasons in case a complaint is made to the Information Commissioners Office.

## **10. Other exemptions**

- 10.1 We may seek to rely on an exemption in Part II of the Freedom of Information Act 2000. If so, we will clearly state which exemption we are seeking to rely upon.
- 10.2 The majority of exemptions are 'qualified' which means that we will only withhold information if the public interest test applies. The test will apply if it is deemed that the public interest of withholding the information outweighs the public interest in disclosure.
- 10.3 We will refuse to confirm or deny whether we hold information if doing so would be harmful.

## **11. Complaints**

- 11.1 Any complaints about this Policy or any information processed under this policy should be addressed to the Governing Body in the first instance. You may make a complaint to the Information Commissioners Office.

## **12. Breaches of this policy**

- 12.1 Any breach of this policy is initially investigated by the Governing Body, for the appropriate action to be taken.
- 12.2 If you remain unsatisfied with the outcome of the breach of policy investigation, you can make a complaint to

### **13. Review**

13.1 This policy should be reviewed annually.

## Class 1 – Who we are and what we do

Information in this class will be current information only.

- **Instrument of government or articles of association** – can be found at the following web address: [\[insert webpage link\]](#)
- **School prospectus** - can be found [\[insert location – webpage link\]](#)
- **Curriculum** – can be found on [\[insert webpage link\]](#)
- **Governing body (which contains information about the governors and their duties)** - can be found on [\[insert link to webpage\]](#).
- **Gender pay gap reporting** - can be found at the following web address: [\[insert webpage link.\]](#)
- **School session times and term dates** - can be found [\[insert webpage link\]](#).
- **Contact information** - can be found [\[insert webpage link\]](#).
- **Locations information** - can be found [\[insert webpage link\]](#).
- **Key personnel information** - can be found [\[insert webpage link\]](#).

## Class 2 – What we spend and how we spend it

We will make available the financial information for the current and previous two financial years.

- **Annual budget plan and financial statements** – can be found at the following web address: [\[insert weblink\]](#)

**Expenditures** - Hard copy available upon request contact the school (see schedules of charges).

- **Capital funding** - Hard copy available upon request, please contact us [\(see schedules of charges\)](#).



- **Financial audit reports** - Hard copy available upon request, please us (see schedules of charges).
- **Procurement and contracts** - Hard copy available upon request, please contact us (see schedules of charges).
- **Staff allowances and expenses** - Hard copy available upon request, please contact us (see schedules of charges).
- **Staff pay and grading structures** - Hard copy available upon request, please contact us (see schedules of charges).
- **Governors' allowances** – this is a voluntary position and no allowances are paid.
- **Premiums or other forms of financial support available** - can be found on [insert weblink for premium information].
- **TU facility time reporting** - can be found at the following web address: [insert weblink].

### Class 3 – What our priorities are and how we are doing

- **Performance data supplied to the government** – can be found at the following web address: [Find and check the performance of schools and colleges in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk).
- **Latest Ofsted report** – can be found at the following web address: [Find an Ofsted inspection report](#).
- **Performance management information** - Hard copy available upon request, please contact us.
- **Future plans** – Hard copy available upon request, please contact us.
- **Exam and assessment results** – where available these can be found on [insert link].
- **Performance tables** - can be found at the following web address: [Find and check the performance of schools and colleges in England - GOV.UK \(www.gov.u\)](http://www.gov.uk)

- **Impact assessments as appropriate and relevant.** – Available for inspection only.

## **Class 4 – How we make decisions**

- **Admissions policy and decisions** - can be found on our website [\[insert link here\]](#).
- **Minutes of meetings of the governing body and its committees** - Hard copy available upon request, please contact us.

## **Class 5 – Our policies and procedures**

The following policies can be found on our website [\[insert link to relevant page\]](#):

**1. School policies and other documents;**

Includes policies such as behaviour, anti-bullying, eSafety, special educational needs policies.  
[\[insert any other statutory policies not covered by those listed below\]](#).

**2. Records management, personal data and access to information policies;**

Includes the Records Management and Retention Policy, Data Protection Policy, Information Security Policy, Acceptable Use Policy and the CCTV Policy.

3. **Equality and diversity;**
4. **Safeguarding and child protection;**
5. **Pay policy** – available on request in hard copy, please contact the us (schedule of charges apply);
6. **Health and safety;**
7. **Policies and procedures for human resources and the recruitment of staff Careers programme** information – can be found [\[insert weblink\]](#);
8. **Complaints procedures, including for dealing with parental complaints;**
9. **Charging regimes and policies.**

## **Class 6 – Lists and Registers**

1. **Curriculum circulars and statutory instruments** – can be found at the following web address: [Guidance and regulation - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
1. **CCTV operated by the organisation** - – Available for inspection only.
2. **Disclosure logs for Information Governance** – Available for inspection only.
1. **Asset register** – Available for inspection only.
2. **Any information you are currently legally required to hold in publicly available registers** – Available for inspection only.

## **Class 7 – The services we offer**

**Extra-curricular activities** – information can be found [\[insert web address\]](#).

**Out of school clubs** - available via the website [\[insert web address\]](#).

**School publications** available via the website [\[insert web address\]](#).

**Services for which the school is entitled to recover a fee, together with those fees** available via website [\[insert webpage link\]](#).

**Leaflets, booklets and newsletters** available via the website [\[insert link here\]](#).