



HUXLOW SCIENCE COLLEGE FREEDOM OF INFORMATION POLICY



Our Vision

"Safe, happy and successful students who go on to become safe, happy and successful adults"

OUR GOAL

"At Huxlow every individual is empowered to fulfil their potential"

Policy Statement

The objective of this Policy is to ensure commitment and legal compliance to the Freedom of Information Act 2000 (in force from 01 January 2005) (FOIA) and to the principles of accountability and the general right of access to information, subject to legal exemptions. This Policy outlines our response to the Act and a framework for managing requests and has been drafted using Department of Education (DFE) and Information Commissioner's Office (ICO) guidelines.

1. Scope of the Policy

The FOIA applies to all recorded information held by the College and its staff regardless of format, storage medium and age.

The College is subject to the FOIA by virtue of the Academies Act 2010.

The Act places the following requirements on the College:

- Information which is routinely published by the College is made available in accordance with the College's Publication Scheme.
- Information which is not covered by the Publication Scheme is made available to enquirers on request, within 20 working days, unless a valid exemption or limit applies.
- Exemptions under the Act and Regulations are applied appropriately, and in accordance with the legislation.
- A fair and efficient internal appeal system is administered.

2. Background

The FOIA was introduced to promote greater openness and accountability across the public sector, and establishes a general right of access to information held by public authorities, including Academies. Along with Human Rights and Data Protection legislation, Freedom of Information (FOI) aims to build a culture of rights and responsibilities for citizens. Compliance with the FOIA is overseen by the ICO.

3. Responsibilities

From September 2010 for converting schools, and January 2011 for Academies that opened before September 2010, there has been a legal right for any person to make a request to an Academy for access to information held by that Academy.

Academies are under a duty to provide advice and assistance to anyone requesting information. Enquirers do not have to say why they want the information and the request does not have to mention FOIA. The request must be in writing, which includes fax or email. All requests for information that are not covered by the Data Protection Act 1998 (i.e. from individuals to see their own personal information) or Environmental Information Regulations 1992 are covered by FOIA.

Verbal enquiries are not covered by the FOIA. Such enquiries can be dealt with where the enquiry is relatively straightforward and can be dealt with satisfactorily. However, for more complex enquiries, and to avoid disputes over what was asked for, the enquirer should be asked to put the request in writing or email, when the request will become subject to FOI.

There are only four reasons for not complying with a valid request for information under FOI:

- i. the information is not held
- ii. the cost threshold is reached (£450);
- ii. the request is considered vexatious or repeated;
- iii. one or more of the exemptions apply

The Act is fully retrospective, so that any past records which the College holds are covered by the Act. A Retention Schedule, produced by the Records Management Society of Great Britain, guides schools on how long they should keep school records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

4. Compliance

The College has a legal responsibility to comply with the Act and is accountable to the Information Commissioner.

The Governing Body delegates the day-to-day responsibility for compliance with the FOIA to the Headteacher. The HR Manager will act as co-ordinator and provide a point of contact for advice and training.

The information which the College routinely makes available to the public is included in the Publication Scheme. Requests for other information will be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

Requests under FOI can be addressed to anyone in the Academy; so all staff need to be aware of the process for dealing with requests.

There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an FOI enquiry.

We will respond to all requests in accordance with the Freedom of Information Procedure. We will maintain a register of requests with a retention period of five years.

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed in Appendix 1.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures (Appendix 2) to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

We will maintain a register of requests where we have refused to supply information and the reasons for the refusal. The register will be retained for 5 years.

5. The Publication Scheme

The Publication Scheme and the materials it covers is available on the College Website at <http://www.huxlow.northants.sch.uk/Policies-and-Procedures>

6. Charging

Charging will be in accordance with the College's Freedom of Information Act Publication Scheme. The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the College for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

The College reserves the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

7. Complaints

Any comments or complaints will be directed to the Chair of Governors and if necessary to the Appeals Committee.

If on investigation the College's original decision is upheld, then the College has a duty to inform the complainant of their right to appeal to the ICO. Appeals should be made in writing to the ICO. They can be contacted at:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

This Policy will be reviewed by the Finance, Personnel and Premises Committee Bi-annually.

Signed
Chair, Finance, Personnel and Premises Committee

Date