

Freedom of information publication scheme



Churchdown School Academy
ACHIEVING SUCCESS FOR ALL

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Person responsible:	Mr D Carter

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1. Aims

The school is committed to complying with the Freedom of Information Act 2000 (the “Act”), the principles of openness and accountability and the general right of access to information. This policy sets out how we comply with the Act and establishes a framework for managing freedom of information (FOI) requests.

The public have a right to access recorded information held by public authorities which includes each of our schools. The school should seek to promote an open regime regarding access to information, subject to the exemptions contained within the Act.

2. Legislation and guidance

The Act gives the right to any person to ask for access to information held by the school. The Act covers all recorded information held by the school; it is not limited to official documents and nor is it limited to information created by the school. It covers, for example, drafts, emails, notes, recordings of conversations and CCTV recordings.

Requestors are entitled to be told whether the school holds the information and, where it is held, to receive a copy of it (subject to certain exemptions). The Act is fully retrospective so that any records which the school holds, irrespective of when they were created, can be requested under the Act.

The information which the school routinely makes available to the public is included in its FOI Publication Scheme. Requests for other information, not proactively published, should be dealt with in accordance with this policy and Information Commissioner’s Office (ICO) guidance in this area. Whilst there is effectively a presumption of openness under the Act, this is not absolute and can be rebutted. There are statutory exemptions to protect certain information from disclosure.

3. Procedure

Anyone can make an FOI request - they do not have to be UK citizens, or resident in the UK. FOI requests can also be made by organisations, for example a newspaper, a campaign group, or a company. Requestors do not have to mention the Act, nor do they have to say why they seek the information

A requestor can address their FOI request to anyone in the school. All staff need to be aware of the process for dealing with such requests. FOI requests should always be passed to the Lead Officer at the school who will coordinate and send a response.

3.1 Making a request

FOI requests must:

- Be in writing. Any legible format is acceptable, including letter or email.
- Include the requestor’s contact details.
- Describe the information required.

3.2 Timescales

There is a duty on the school to respond to all FOI requests, telling the requestor in writing whether the information is held, and supplying any information that is held, except where exemptions apply. The school will comply with FOI requests in 20 school days. A 'school day' is any day on which there is a session, and the students are in attendance. School holidays and staff training days are not school days, so they are excluded when considering the time for compliance. If there is a charge, the 20 school days will commence when payment has been received.

The exception to this is if a 'qualified' exemption applies (see below) and the school needs more time to consider the public interest test; we can extend the time for compliance by a 'reasonable' period. In practice, it is recommended that normally this should be within a further 10 school days. Where this is the case, we will contact the requestor within the first 20 school days informing them that a qualified exemption applies and include an estimate of the date by which a decision on the public interest test will be made.

The school will contact the requestor as soon as possible if their FOI request is ambiguous, with more than one potential interpretation, or no clear meaning at all. We will not deal with such requests until we have received the necessary clarification from the requestor. The timescale for compliance will begin when this clarification is received.

The Act only covers recorded information that the school holds. When compiling a response to a FOI request, the school may have to draw on multiple sources of information, but we are not required to create an answer or information if it was not recorded.

If the school does not hold the information the requestor has asked for, we will inform the requestor of this, in writing. If we know that the information is held by another public authority, we may transfer the request to the relevant authority or advise the requestor to redirect their request.

When providing information, we will send it by whatever means is most reasonable. For example, if the requestor has made their FOI request by email, and the information is an electronic document in a standard form, then it would be reasonable for the school to reply by email and attach the information. Wherever possible we will accede to any specific requests made by requestors on the format by which they wish to receive the requested information.

3.3 Refusing a FOI request

There are circumstances when the school is not obliged to provide information. There are four reasons for not complying with a request for information:

- One or more of the exemptions set out in the Act apply. These exemptions are intended to protect sensitive or confidential information.
- The information is not held.
- The cost threshold for academies is reached (currently £450).
- The request is considered vexatious.

Certain information which is requested can be lawfully withheld if it falls within the scope of an absolute or qualified exemption under the Act:

- Where an absolute exemption applies, the school can automatically withhold the information
- Where a qualified exemption applies, the school will carry out a 'public interest test' to determine if the public interest in applying the exemption outweighs the public interest in disclosing the information.

Some exemptions apply only to a particular category or class of information, such as information held for criminal investigations. These are called 'class-based' exemptions. Other exemptions require the school to judge whether disclosure may cause a specific type of harm, for instance, endangering health and safety, prejudicing law enforcement, or prejudicing someone's commercial interests. These are called 'prejudice-based' exemptions.

The school will only withhold information if it is satisfied the legal criteria of one or more of these exemptions, as set out in the Act, is/are met and will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption. Where

information is withheld under an exemption, the reason behind the decision will be made clear to the requestor, citing the exemption under which the information is being withheld. A full list of the exemptions is available on the ICO website at <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>

3.4

A Lead Officer will be appointed by the school and is responsible for collecting, preparing, sending, recording, and dealing with follow-up correspondence for each FOI request.

3.5

The school will ensure that all staff are aware of their obligations under the Act and know who their Lead Officer is.

3.6 Charges

The following charges will apply:

- A £25 charge per hour will be used to calculate the staff costs of answering FOI requests.
- A charge will be made for photocopying or printing (at 10p a sheet), and first-class postage.
- Any costs required to satisfy a FOI request that is estimated to be under £10 will not be charged.

4. Scope

The Act is not the only law which gives a right to individuals to request information from the school. The General Data Protection Regulation 2018 (GDPR), Data Protection Act 2018 (DPA) and Environmental Information Regulations (EIRs) also give individuals this right.

Requests for personal data are still covered by the GDPR and DPA. Individuals can request to see what information the school holds about them. This is known as a Data Subject Access Request (DSAR) or Subject Access Request (SAR) and must be dealt with under data protection law. Information on handling these requests for personal data is set out in the Trust's Data Protection Policy.

Requests for information about anything relating to the environment, such as air, water, land, the natural world or the built environment and any factor or measure affecting these, are covered by the EIRs. They also cover issues relating to health and safety. For example, queries about chemicals used by the school, phone masts and car parks would all be covered by the EIRs. Requests under the EIRs are dealt with in the same way as those under the Act, but unlike FOI requests, they do not need to be written and can be made verbally. All requests should be directed to Mrs J Tilley who can be contacted via school@churchdownschool.com

If any element of a request to the school includes personal or environmental information, these elements must be dealt with under the GDPR or EIRs respectively. Any other information is a request under the Act and must be dealt with in line with this policy.

5. Obligations and duties

The school recognises its duty to:

- provide advice and assistance to anyone requesting information. We will help requestors to put more complex verbal requests into writing so that they can be handled under the Act.
- tell requestors whether or not we hold the information they are requesting (the duty to confirm or deny) and provide access to the information we hold unless we are permitted to withhold it.

It is an offence to willfully conceal, damage or destroy information to avoid responding to an FOI request, so it is important that no records that are the subject of a request are amended or destroyed. Routine changes to the information while the school is dealing with a request are permitted as long as these would have been made regardless of the request.

5.1 Vexations, repeated or manifestly unreasonable requests

The school will refuse to supply information under the Act where the request is considered 'vexatious' or 'repeated' and under the EIR, where the request is considered 'manifestly unreasonable'.

When deciding whether the FOI request (not the requestor) is vexatious, the school will consider whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation on the school and/or its staff.

5.2 Internal review

Whenever the school withholds information under an exemption, or for any other reason, it will inform the requestor of their right to seek an internal review of the decision. The internal review will be conducted by the Headteacher or another senior member of staff who does not have detailed knowledge or involvement in responding to the initial request. If the result of the internal review is that any decision to withhold information be overturned, this information will be supplied to the requestor as soon as possible.

If, on investigation, the school's original decision is upheld, then the school has a duty to inform the complainant of their right to appeal to the ICO. Appeals to the ICO should be made in writing. They can be contacted at: <http://ico.org.uk/complaints>

The school will maintain records of all internal reviews and their outcome.

6. Monitoring arrangements

The school has adopted the Model Publication Scheme approved by the ICO.

The school plans to review this scheme regularly. Whenever any information is provided in response to a FOI request, the school will assess whether the information is suitable for wider publication.

This policy will be reviewed annually for approval by the leadership team.

7. Links with other policies

- Data protection (including protection of children's biometric information) policy