



**Highlands School**

# Freedom of Information Policy

Date of Last Review	Nov 2019
Next Review Due	Nov 2021
Governors Committee	School Priorities

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**Responsibility:** It is the responsibility of the Governors to ensure procedures are in place to ensure that the school handles information requests covered by the Freedom of Information Act 2000 (FoIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR) in accordance with the provisions laid out therein and that the school satisfies the standards set out in the Lord Chancellor's Code of Practice on satisfying public authorities obligations under the FoIA, produced under section 45 of that Act.

### **1 Introduction**

Highlands School is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2000 and the access provisions of the Data Protection Act 1998. The School will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so.

The underlying principle of this policy is that the public have a right of access to recorded information held by the School and that the School should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

Separate guidance, in the form of operating procedures, has been given to staff in the staff handbook on how to handle information requests received under the FoIA regime

### **2 Background**

The FoIA applies to all public authorities and came fully into force on 1st January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions, within twenty working days. The Act is fully retrospective and applies to all information that falls within the

scope of the Act, not just information created from 1st January 2005. Section 19 of the Act also obliges the School to make information pro-actively available in the form of an approved “publication scheme”.

In addition, individuals currently have a statutory right of access to their own “personal data” under the DPA. Individual access rights to personal data are extended by the FoIA through amendments to the access provisions of the DPA.

The Environmental Information Regulations 2004 (EIR) provides a statutory right of access to “environmental information”, as defined in these regulations. The EIR came into force on 1st January 2005 and replaces the existing 1992 Regulations. The EIR are also fully retrospective.

The Government’s Information Commissioner enforces these three information regimes.

Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who can overturn any decision to withhold information. For the purposes of this policy, the “public” is defined as any individual or organisation anywhere in the world and an “information request” refers to any request for recorded information made under the FoIA, EIR or DPA.

### **3 Timescales**

We aim to respond to requests, within the following time scales:

- Freedom of Information requests - within 20 working days, excluding school holidays.
- Requests for Data Protection (subject access requests) - within 40 calendar days.
- Requests for pupil education records - within 15 school days.

### **4 Delegated responsibilities**

Overall responsibility for ensuring that the School meets the statutory requirements of the FoIA, EIR and DPA lies with the Governors and the Chair of Governors has overall responsibility for information management issues. They have delegated the day-to-day responsibility of implementation to the Head teacher.

The Head teacher is assisted by the School Manager, who currently fulfils the role of ‘Fol officer’. All School staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the Fol officer where necessary.

### **5 Scope**

This policy applies to all recorded information held by the School that relates to the business of the School. This includes:

- Information created and held by the School
- Information created by the School and held by another organisation on our behalf
- Information held by the School provided by third parties, where this relates to a function or business of the School (such as contractual information) and
- Information held by the School relating to Governors where the information relates to the functions or business of the School

This policy does not cover personal written communications (such as personal e-mails sent by staff). The School's Data Protection Policy establishes the standards regarding the use of "personal data" (as defined in the DPA).

## **6 Requesting information**

### **6.1 Procedures**

Practical procedures for handling information enquiries in line with the relevant legislation will be produced and copies can be obtained from the School's FoI Officer.

The School has a duty under both the FoIA and EIR to provide advice and assistance to applicants making information requests. This includes assisting the applicant in making the application for information. Although no such duty exists under the DPA, the same level of care will be provided.

### **6.2 Charges**

The three information regimes contain different provisions that permit charges to be made for responding to information requests. The Governing Body may charge a fee for complying with requests, as calculated in accordance with FoIA regulations. If a charge is to be made, the School will give written notice to the applicant before supplying the information requested.

The School will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption.

Where the School estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. The School is not obliged to comply with such a request but may choose to do so.

The Data Protection Act 1998 permits a charge of up to £10 to be made for responding to requests for personal data. There is a sliding scale of up to £50 for copies of educational records.

### **6.3 Publication**

Section 19 of the FoIA obliges the School to make information pro-actively available in the form of a "publication scheme" (see Appendix A). This scheme will list categories, or "classes" of information that will routinely be made available without the need for a specific information request. The School will indicate in the scheme where it wishes to charge for providing particular categories of information. The scheme is published on the School's website.

The School plans to review this scheme regularly. Whenever any information is provided in response to a recorded FoIA enquiry, the School will assess whether the information is suitable for wider publication. In general, there will be a presumption in favour of publishing such information on the School's website.

## **7 Withholding Information**

The Freedom of Information Act contains 23 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. The School will only withhold information if it falls within the scope of one or more of these exemptions.

<http://www.legislation.gov.uk/ukpga/2000/36/contents>

Where an absolute exemption applies, the School can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the School decides that the public interest is best served by withholding the information. Certain exemptions also contain a “prejudice test”, which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption.

The School 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.

The School will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a “public interest” exemption is being considered, the School will only withhold that information which it can demonstrate that the public interest will be best served by withholding. When considering withholding information under a non-absolute exemption the School will take into account whether the release of the information would:

- promote further understanding of current issues of public debate;
- promote the accountability of decisions taken by the School and the spending and allocation of public money;
- bring to light matters of public safety;
- allows the public to understand and challenge decisions made by the School;
- be otherwise in the public interest.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld. The applicant will also be given details of the right to challenge the decision through the School’s Governing Body and the right of appeal to the Information Commissioner’s Office.

Where a staff member plans to apply an exemption, he/she will consider whether other schools hold similar information. If this is considered likely, he/she may contact the relevant school(s) to ensure that a consistent response is provided to the applicant.

The School will also refuse to supply information under the FoIA, where the request is considered “vexatious” or “repeated” and under the EIR, where the request is considered ‘manifestly unreasonable’.

## **8 Releasing a third party’s information**

Where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, the staff member that received the request will seek input from the FoI officer prior to the release of the information.

The release of third party information will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of the DPA. Both the EIR and FoIA permit information to be withheld when its release would breach the provisions of the DPA.

When the requested information relates to a living individual and amounts to “personal data” as defined in the DPA, its disclosure could breach the DPA. Therefore, the release of third party personal information relating to living individuals will be considered in accordance with the data protection principles and, in particular, the “third party” provisions of the DPA.

Where appropriate, the School will contact the individual to ask for permission to disclose the information. If consent is not obtained, either because it was not considered appropriate to approach the third party or the third party could not be contacted or consent is refused, the School will then consider if it is reasonable to disclose the information, taking into account:

- any duty of confidentiality owed to the third party
- the steps taken to seek consent
- whether the third party is able to give consent and
- any express refusal of consent

The decision to disclose third party information will also take into account the impact of disclosure on the third party, relative to the impact on the applicant of withholding the information. Where the third party has been acting in an official, rather than private capacity, the School will be minded to disclose the information, although decisions will be made on a case by case basis.

Where the information relates to a staff member, the provisions of the DPA will still apply in many circumstances but the nature of the information will influence the School’s decision whether to release the information. Where the information relates to a matter clearly private to the individual, e.g. a disciplinary hearing, the information will almost certainly be withheld. However, where the information relates to the member of staff acting in their official capacity, e.g. an expenses claim, the information will normally be released. The exemption relating to the release of a third party’s personal data will not be used to withhold information about administrative decisions taken by the School.

As the DPA only relates to living individuals, the exemption relating to Data Protection under both the EIR and FoIA will not apply to information held about the deceased. Where the request might be controversial, the staff member will seek input from the FoI officer who will take advice from the Governing Body where necessary.

Where the third party is an organisation, rather than an individual, the provisions of DPA 1998 will not apply. The School will consider consulting the third party concerning the release of their information where:

- the views of the third party may assist the School to decide whether an exemption under the Act applies to the information and
- in the event of the public interest test being applied, where the views of the third party may assist the School to make a decision relating to where the public interest lies

Consultation will not be undertaken where:

- the School will not be disclosing the information due to some valid reason under the Act
- the School is satisfied that no exemption applies to the information and therefore cannot be withheld and

- the views of the third party will have no effect on the decision e.g. where there is other legislation preventing disclosure

Where input from a third party is required, the response time for the request remains the same. Therefore it will be made clear to the third party at the outset that they have a limited time for their views to be provided and that where responses are not immediate, the decision to disclose may have to be made without their input in order for the School to comply with the statutory time limits dictated by the legislation.

The School will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially.

## **9 Information held within contracts with the School**

Any contractual information, or information obtained from organisations during the tendering process, held by the School are subject to the provisions of the FoIA and EIR. Whenever the School enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording will be included in contracts to cover the impact of FoIA and EIR in relation to the provision of information held in contracts.

The School can withhold contractual information where its disclosure under either the FoIA or EIR could be treated as actionable breach of confidence. Where the School intends to include non-disclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed.

The School will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.

Where information is not covered by the exemption relating to information accepted in confidence, a further exemption specifically under FoIA may be relevant, relating to commercial interests. This exemption is subject to a "public interest" test. Whenever the School has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the School will make the final decision relating to the disclosure of the information.

The School can also withhold information contained in contracts where any of the other exemptions listed in the FoIA or EIR are appropriate, although information will only be withheld in line with the School's policy on the use of exemptions. All future contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to an FoIA or EIR request.

## **10 Complaints procedure**

Whenever the School withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the School's complaints procedure and of the right of appeal to the Information Commissioner. Any complaint received will be dealt with in accordance with the School's complaints procedure as detailed in its Complaints Policy. If the result of the complaint is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.

## **11 Requests made under the Data Protection Act**

The Data Protection Act 1998 entitles an individual to his or her 'personal data', as defined in that Act, where the information is held on an automated system, such as a computer and also manual files, where they amount to what the DPA describes as an "accessible record" or in a structured filing system, defined in the DPA as a "relevant filing system".

The parental right to receive information pertaining to the "educational record" of their child should continue to be administered under the Education (Pupil Information) (England) Regulations 2000. Whenever a request for personal data is received and is not covered by these regulations, the request will be administered in accordance with the relevant section of the School's FoIA operating procedures.

Whenever a request is made under the DPA for personal data, the School will provide the applicant with the relevant information contained within files relating to that individual that is accessible under both the DPA and FoIA, subject to any exemptions.

Where it is not possible to remove third party information without rendering the response useless to the individual, the provision of third party information will be considered in line with section 7 of this policy regarding the disclosure of third party information.

The DPA contains the provision for numerous types of exemption. Therefore, whenever a member of staff is considering applying an exemption, he/she will seek the opinion of the FoI officer.

## **12 Illegal actions**

It is a criminal offence under any of the three information regimes for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information request. Both the FoIA and EIR contain specific provisions to make such action a criminal offence.

## **13 Review of the Policy**

This policy is scheduled for review by School Priorities Committee. Comments from staff, parents and members of the public on this policy and its implementation are welcome and can be addressed to:

Head Teacher

Highlands School

148 Worlds End Lane

London

N21 1QQ



## Highlands School's Publication Scheme - Information Available Under The Freedom Of Information Act 2000

The governing body is responsible for maintenance of this scheme.

### 1. Introduction: what a publication scheme is and why it has been developed

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including all maintained schools, should be clear and proactive about the information they will make public.

To do this we must produce a publication scheme, setting out:

- The classes of information which we publish or intend to publish;
- The manner in which the information will be published; and
- Whether the information is available free of charge or on payment.

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is either available for you on our website to download and print off or available in paper form.

Some information which we hold may not be made public, for example personal information.

This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

### 2. Aims and Objectives

The school aims to:

- enable every child to fulfil their learning potential, with education that meets the needs of each child,
- help every child develop the skills, knowledge and personal qualities needed for life and work,

and this publication scheme is a means of showing how we are pursuing these aims.

### 3. Categories of information published

The publication scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as 'classes'. These are contained in section 6 of this scheme.

The classes of information that we undertake to make available are organised into four broad topic areas:

- School Prospectus – information published in the school prospectus.
- Governors' Documents – information published in Governing Body documents
- Pupils & Curriculum – information about policies that relate to pupils and the school curriculum.
- School Policies and other information related to the school - information about policies that relate to the school in general.

### 4. How to request information

If you require a paper version of any of the documents within the scheme, please contact the school by telephone, email, fax or letter. Contact details are set out below or you can visit our website at

www.highlands.enfield.sch.uk

Email: [postbox@highlands.enfield.sch.uk](mailto:postbox@highlands.enfield.sch.uk)

Tel : 020 8370 1100

Fax: 020 8370 1110

Contact Address: Highlands School, 148 Worlds End Lane, London N21 1QQ

To help us process your request quickly, please clearly mark any correspondence "PUBLICATION SCHEME REQUEST" (in CAPITALS please)

If the information you're looking for is not available either via the scheme nor on our website, you can still contact the school to ask if we have it.

#### 5. Paying for information

Information published on our website is free, although you may incur costs from your Internet service provider. If you don't have Internet access, you can access our website using a local library or an Internet café.

Single copies of information covered by this publication are provided free unless stated otherwise in section 6. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos we will let you know the cost before fulfilling your request.

#### 6. Classes of Information Currently Published

School Prospectus – this section sets out information published in the school prospectus.

Class	Description
School Prospectus /Prospective Parents' Evening	The statutory contents of the school prospectus are as follows, (other items may be included in the prospectus at the school's discretion):  the name, address and telephone number of the school, and the type of school the names of the Head Teacher and Chair of Governors information on the school policy on admissions a statement of the school's ethos and values details of the religious education provided, parents' right to withdraw their child from religious education and collective worship and the alternative provision for those pupils information about the school's policy on providing for pupils with special educational needs number of pupils on roll and rates of pupils' authorised and unauthorised absences National Curriculum assessment results for appropriate Key Stages, with national summary figures GCSE/other qualification results in the school, locally and nationally a summary of GCE A/AS level results in the school and nationally the number of pupils studying for and percentage achieving other vocational qualifications the destinations of school leavers <sup>1</sup>

<sup>1</sup> Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this

	<p>the arrangements for visits to the school by prospective parents</p> <p>the number of places for pupils of normal age of entry in the preceding school year and the number of written applications / preferences expressed for those places</p>
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Governing Body– this section sets out information published in governing body documents.

Class	Description
Instrument of Government	<p>The name of the school</p> <p>The category of the school</p> <p>The name of the governing body</p> <p>The manner in which the governing body is constituted</p> <p>The term of office of each category of governor if less than 4 years</p> <p>The name of anybody entitled to appoint any category of governor</p> <p>Details of any trust</p> <p>If the school has a religious character, a description of the ethos</p> <p>The date the instrument takes effect</p>
Minutes <sup>2</sup> of meeting of the governing body and its committees	Agreed minutes of meetings of the governing body and its committees for the current and last full academic year. Copies are kept at the school.

Pupils & Curriculum Policies - This section gives access to information about policies that relate to pupils and the school curriculum.

Class	Description
Home – school agreement	Policy outlining the school’s aims and values, the school’s responsibilities, the parental responsibilities and the school’s expectations of its pupils, e.g. homework arrangements
Curriculum Policy**	Statement of policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school
Sex and Relationship Policy**	Statement of policy with regard to sex and relationship education
Special Education Needs Policy**	Information about the school's policy on providing for pupils with special educational needs
Equal opportunities (inc. Community Cohesion)**	Statement of policy for promoting equal opportunities, community cohesion, and race equality, for increasing participation of disabled pupils in the school’s curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils.
Work Related Learning Policy	Statement of the programmes of careers education provided for Key Stage 4.
Child Protection Policy**	Statement of policy for safeguarding and promoting welfare of pupils at the school.

<sup>2</sup> Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this

Positive Behaviour Policy**	Statement of general principles on behaviour and discipline and of measures taken by the Head Teacher to prevent bullying.
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School Policies and other information related to the school - This section gives access to information about policies that relate to the school in general.

Class	Description
Published reports of Ofsted referring expressly to the school	Published report of the last inspection of the school and the summary of the report (and where appropriate inspection reports of religious education in those schools designated as having a religious character)
Charging and Remissions Policy**	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, e.g. school publications, music tuition, trips
School session times and term dates**	Details of school session and dates of school terms and holidays
Health and Safety Policy	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy
Complaints Policy**	Policy for dealing with complaints
Performance Management Policy	Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures
Staff Conduct, Discipline and Grievance Policies	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance
Curriculum circulars and statutory instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the head teacher or governing body relating to the curriculum
Appendix A - Other documents	Appendix A provides a list of other documents that are held by the school and are available on request

(\*\* Information available on our website at [www.Highlands.enfield.sch.uk](http://www.Highlands.enfield.sch.uk))

## 7. Feedback and Complaints

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to:

The Headteacher  
 Highlands School  
 148 Worlds End Lane  
 London N21 1QQ

If you are not satisfied with the assistance that you get, or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints.

They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

or

Enquiry/Information Line: 01625 545 700

E Mail: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk).

Website : [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## **Appendix A – Further documents held by the school**

Attendance and Punctuality Policy

Collective Worship Policy

Controlled Assessment Policy

Drugs Policy

E Safety Policy

Exam Policy

Exclusions Policy

Gifted & Talented Policy

Homework Policy

IT Acceptable Use Policy

Literacy Policy

Marking Policy

Mobile Phones Policy

Pupil Premium Statement

Rewards Policy

School Uniform

Visitor Behaviour Policy