

## Freedom Of Information



# Wheatley Hill Community Primary School

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## **THE RIGHT TO KNOW The Freedom of Information Act 2000**

### **Freedom Of Information Act 2000**

The Freedom of Information Act provides for a right to access all non-personal information held by Schools.

The Act is aimed at encouraging more openness and transparency in decision-making.

A lot of information should already be made available to the public, for example via the school's Publication Scheme.

### **What is the Publication Scheme?**

Under the Act, schools should have already developed a 'Publication Scheme'. This is a guide to the information that schools routinely make available to the public or intends to publish.

### **Requests for Information**

From January 2005, anyone can request any recorded information held by schools at the time of the request. This means that many documents, files, faxes and emails could be released on request.

Furthermore, anyone can ask for information without having to give an explanation as to why they want it. The Act gives people the right to be told if the information exists and to receive it in a suitable format.

However, most requests for information will probably be of the type which are dealt with straight away every day. Schools should continue to give out routine information to the public. If you happily gave the information before – don't stop doing it now.

### **How can requests for information be made?**

A Freedom of Information request must be in writing (fax or e-mail is acceptable), and it must outline exactly what is wanted.

When the request is made verbally you should provide any help needed to put it into writing. A simple FOI Request Form has been devised to give to people who make verbal requests (see later).

Some people may not directly refer to the FOI Act when requesting information, but their enquiry must still be dealt with according to the Act.

Requests must include a name and address for contact and a description of the information required.

## **ALL REQUESTS FOR INFORMATION MUST BE RESPONDED TO WITHIN 20 WORKING DAYS**

Although an order laid before Parliament effectively allows **extensions to the 20 day limit** in permitting schools not to count **school holidays** when calculating response times.

### **Who Responds to Requests?**

An FOI request can be delivered to any member of staff. The request should, however, be dealt with by the appropriate person in your school. Every member of staff has a responsibility to make sure that any requests are passed on as soon as possible, so that a response can be given within 20 working days (or more if received in school holidays, see above).

### **Exemptions**

There are some exemptions from this right of access to information.

If the request is for personal information, for example their education record, this will still be dealt with under the Data Protection Act, not the FOI Act.

There are other exemptions covering areas such as health and safety, commercially sensitive information and confidentiality.

In addition, if information is accessible already via your Publication Scheme or by other means, you do not have to deal with this as a formal FOI request.

### **Obligations**

Schools are required to provide advice and assistance to people who have made a request. Schools should help any applicant to put their request into writing and to give enough detail to be able to find the information they are requesting.

## **Enforcement of the Act**

If an individual is not happy with how a request was handled or with any refusal to release information, they must first complain through the School's own complaints procedure.

If they are still unhappy they may complain to the Information Commissioner.

The Information Commissioner is responsible for enforcing the Freedom of Information Act. If an applicant feels that you have failed to respond appropriately to their request for information, they can ask the Information Commissioner to reassess the request. The Information Commissioner will then decide whether or not you were justified in withholding the information.

## **FOI Checklist**

- Is it a routine request, or one that should be dealt with as an FOI request?
- Is the request in writing? Does it contain a name and address, and enough detail to locate the information?
- REMEMBER, you only have 20 working days to respond (or more, if received in school holidays)
- If necessary, pass it to the relevant member of staff for response AS SOON AS POSSIBLE



