



# The Southfield Trust

## Freedom of Information Act 2000

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### Policy Statement

The Southfield Trust will comply with the requirement of the Freedom of Information Act 2000 and in particular will

- make as much information as practicable available via the Publication Scheme
- respond to requests for information as quickly as possible and in any event within the statutory timescales
- where, exceptionally, we believe it is not going to be possible to respond fully within the statutory timescale (e.g. where we have to consider the public interest test), we will:
  1. advise you why and give an estimated date by which the information will be provided and
  2. provide as much of the information as possible within the earlier timescale
- apply exemptions appropriately and consistently
- ensure that any fees charged are calculated appropriately and consistently

## Implementation

To enable our staff to comply with the policy and with FOI, the Southfield Trust will:

- provide adequate and appropriate training and guidance to all staff as a part of induction
- monitor application of guidance and training
- revise guidance and training as appropriate

## Freedom of information

The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) aim to make it easier for anyone to access information on public authorities and maintained schools, including:

- how they carry out their duties
- why they make the decisions that they do
- how they spend public money.

The law requires our schools to provide official information when people ask for it. It also requires us to produce a publication scheme, which outlines information our schools will routinely make available to the public.

All schools must adopt the ICO's model publication scheme – this has been approved by the Information Commissioner and should be adopted without modification.

## The FOIA and EIR

Information held by or on behalf of our schools falls within the scope of the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). These state that we must make information our schools hold available to people if they ask to see it. An exception is personal information, which is subject to the Data Protection Act and must not be released in response to an FOIA or EIR request. The law applies regardless of the age or format of the information. It covers:

- information in current use
- closed files and archived material
- files, letters, databases, emails, notebooks, videos, photographs, maps, wall charts and other media
- information held by other organisations on behalf of our schools, for example by an external catering company
- information our schools receive from others, for example information from other schools, public authorities, companies, organisations and members of the public.

If we are giving out information received from a third party you need to consult them before releasing this information. However, although it is important to ask for their views, the responsibility for releasing the information rests with the Southfield Trust.

### **How to tell if the request is made under the FOIA or EIR**

Our schools need to answer any request for environmental information in accordance with the EIR rather than the FOIA. There are many similarities between the EIR and FOIA regimes. However, there are some differences that we should be aware of, for example the timescale for responding to a request for information and the exemptions that we can apply.

Environmental information can include:

- information on the physical environment, including the condition of the air, water, soil, land, landscape and natural sites and the interaction between these
- factors such as substances, noise, energy, radiation or waste that affect or are likely to affect the environment
- measures such as policies, legislation, plans, programmes, environmental agreements and activities that affect or are likely to affect the environment
- reports on the implementation of environmental legislation
- cost-benefit and other economic analyses carried out in connection with the environment
- the state of human health and safety, including contamination of the food chain, conditions of human life, and cultural sites and buildings if they are or may be affected by environmental conditions.

### **Find out more**

For detailed guidance on the FOIA and EIR, including exemptions and charging for information, visit the following pages on the Information Commissioner's Office website [ico.org.uk](http://ico.org.uk)

### **Publication scheme**

The Information Commissioner's Office (ICO) has produced a model publication scheme that all public sector organisations, including schools, should have adopted from 1 January 2009. The publication scheme commits our schools to making certain information available to the public. We must publish information about:

- who we are
- how we make our decisions
- our income and expenditure
- our policies and procedures.

We have to review and regularly update information under the scheme and produce a schedule of any fees we will charge if someone wants to access this information.

If the Southfield Trust's publication scheme does not provide the information that an individual is looking for, they can submit a formal request to see that information.

A formal request should:

- be in writing – either in a letter or email – if it is a Freedom of Information Act (FOIA) request
- be in writing or made by telephone if it is an Environmental Information Regulations (EIR) request
- be legible
- give the name and postal or email address of the person requesting the information
- describe the information required.

It is important to note that the request does not have to mention the FOIA or EIR. Any correspondence our schools receive could include an FOIA or EIR request for information. We should advise and help anyone who has made a request. For example, if the person is unable to put their request in writing clearly enough, let them know that someone else can make the request on their behalf. We could also offer to take a note of the request over the telephone and then send them a written version for them to check. The individual making the request can say which format they prefer the information to be released in. This can be:

- copies of original documents
- electronic documents
- viewing the information in person.

### **How to respond to a formal request**

Our schools must do the following.

- Respond to requests within a maximum of 20 school days (excluding school holidays) however, we can take up to 40 days to respond to complex EIR requests.
- Confirm in our response whether we have the information requested and include it if it is available.
- Provide the information in the format requested or allow the person access to the school to view it.
- Provide the document in full if none of the information is exempt and if the whole document is relevant to the request.
- Remove any exempt sections from the document, for example by cutting them out, and provide the remainder.
- Provide a summary of the information, if removing exempt sections has made the document hard to understand.
- If the relevant information is scattered throughout several documents, put the information together into one document.
- If we are considering applying an exemption, we must respond within the 20 day timescale to say which exemption is being considered, giving an estimated date of response.

We are not obliged to provide information requested under the FOIA if the estimated cost of doing so is more than £450 – there is still an obligation to confirm or deny whether we hold the information unless doing so itself will cost more than £450. Under EIR, there is no cost limit, but a request that incurs a disproportionate cost can be refused. We should keep a written record of the requests our schools receive. This is important so that we can ensure we meet legal deadlines.

### **Find out more**

The Information Commissioner's Office (ICO) has produced a user-friendly guide to handling requests – download 'Hints for Practitioners Handling FOI and EIR Requests' from [ico.org.uk](http://ico.org.uk)

### **Exempt information**

The Freedom of Information Act (FOIA) and the Environmental Information Regulations (EIR) give individuals a right to access information held by our schools. We should release information when requested wherever possible.

However, some types of information should not be released, for example personal information. These are called exemptions in the FOIA and exceptions in the EIR.

### **Absolute exemptions**

Some FOIA exemptions are absolute. This means that we can withhold the information requested without considering whether releasing it is in the public interest. Even so, it is important to ensure our decision to withhold the information is valid.

Examples of absolute exemptions include:

- personal information (see below for details)
- information given in confidence to our schools
- court records
- information we are legally prevented from disclosing, for example if providing it would constitute a contempt of court
- information supplied by or relating to agencies dealing with security matters
- information reasonably accessible by other means, for example information we have already published on our school websites as part of our publication scheme.

### **Qualified exemptions and exceptions**

Most of the exemptions in the FOIA and all of the exceptions in the EIR are qualified. If we are considering applying an exemption or exception, we must decide whether the public interest in withholding the information outweighs the public interest in releasing it.

Examples of FOIA qualified exemptions include:

- information intended for future publication
- information relating to national security or defence
- investigations or proceedings conducted by public authorities
- information held for criminal proceedings or for investigating criminal offences
- information that poses a risk to the health and safety of an individual or group.

For more guidance on exemptions download the [County Council list of FOI exemptions](#) (Adobe PDF, 141KB).

Examples of EIR exceptions include:

- information not held at the time the request is received
- requests that are clearly unreasonable
- requests that relate to unfinished documents or incomplete data
- information that could breach confidentiality of public authority proceedings, which are covered by law
- confidential commercial information protected by law.

## **Personal information**

If a parent or legal guardian applies for release of their child's information, or a pupil, staff member, governor or other person applies for release of their own personal information, we should treat this as a Data Protection Act subject access request. For information on how to handle such a request, see the c-zone page [requests for access to personal information](#).

If a person requests personal information about a third party, we must not provide this information if doing so would breach the Data Protection Act.

If we are asked to provide information that contains personal details about anyone, we should remove those details beforehand if disclosing them breaches the Data Protection Act. If removing someone's details still does not protect their identity then the request can be turned down.

## **Charging for providing information**

The purpose of the publication scheme is to make as much information as possible available at minimum inconvenience and cost to the public. This means that charges made by us must be justified and transparent.

- Material published on our website must be provided free of charge.
- We may charge a communication fee for information provided in hard copy. This can include the cost of printing, photocopying, postage and packaging, but must not include the cost of staff time to carry out these activities.

- We may consider waiving the communication fee if it involves only small amounts to cover postage and photocopying.
- We should not charge for information sent by email.
- Where possible, we should specify what the communication fees are in our 'Guide to Information' at the end of this document.
- If we are going to charge for information, we can request payment before providing it.

### **Charging fees for information not published under the publication scheme**

If the information the individual is looking for is not in your school's publication scheme, they can submit a formal request to see that information. We do not have to provide information requested under the Freedom of Information Act 2000 (FOIA) if the cost of providing the information exceeds £450. See below for how to assess this.

- Under the Environmental Information Regulations 2004 (EIR), there is no cost limit, but if a request incurs a disproportionate cost it can be refused.
- If a request does not exceed the £450 cost limit, we must provide the information but we can only charge a communication fee for doing so.
- The communication fee can include the cost of printing, photocopying, postage and packaging. However, it must not include the cost of staff time to carry out these activities or time used to calculate the £450 cost limit.
- We may consider waiving the communication fee if it involves only small amounts to cover postage or photocopying.
- We should not charge a communication fee for requests that we respond to by email.
- If the £450 limit is exceeded and we decide to provide the information anyway, you we charge for the time it takes staff to find and prepare the information, as well as the communication fee.
- If we are going to charge a fee, we should notify the person making the request as soon as possible.

### **Assessing whether or not the cost limit is exceeded**

To assess whether the £450 cost limit is exceeded, we should consider how much staff time it would take to complete the following four activities:

- determining whether we hold the information
- locating the information or documents containing it
- retrieving the information or documents containing it
- extracting the information from documents that contain it.

When assessing the cost limit, we cannot take into account the time taken to consider whether any exemptions apply or to remove the exempt information.

The ICO calculates staff time at £25 per hour, which means that the cost limit of £450 will be exceeded if our staff have to spend 18 hours or more on the above four activities

## The Southfield Trust Guide to Information

Information to be published	How the information can be obtained	Cost
<p><b>Class 1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts)</p> <p>This will be current information only</p>		
Who's who in the school	hard copy and/or website	
Who's who on the governing body and the basis of their appointment	hard copy and/or website	
Instrument of Government	hard copy and/or website	
Contact details for the Head teacher and for the governing body (named contacts where possible with telephone number and email address (if used))	hard copy and/or website	
School prospectus	hard copy and/or website	
Annual Report	hard copy and/or website	
Staffing structure	hard copy and/or website	
School session times and term dates	hard copy and/or website	
<p><b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>		
Annual budget plan and financial statements	hard copy	
Capitalised funding	hard copy	
Additional funding	hard copy	

Procurement and projects	hard copy	
Pay policy	hard copy	
Staffing and grading structure	hard copy	
Governors' allowances	hard copy	
<p><b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)</p> <p>Current information as a minimum</p>		
<p>School profile</p> <ul style="list-style-type: none"> <li>• Government supplied performance data</li> <li>• The latest Ofsted report <ul style="list-style-type: none"> <li>- Summary</li> <li>- Full report</li> </ul> </li> </ul>	hard copy and/or website	
Performance management policy and procedures adopted by the governing body.	hard copy and/or website	
Schools future plans	hard copy and/or website	
Every Child Matters – policies and procedures	hard copy and/or website	
<p><b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)</p> <p>Current and previous three years as a minimum</p>		
Admissions policy/decisions (not individual admission decisions)	hard copy and/or website	
Agendas of meetings of the governing body and (if held) its sub-committees	hard copy	
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meetings.	hard copy	
<p><b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only</p>		
<p>School policies including:</p> <ul style="list-style-type: none"> <li>• Charging and remissions policy</li> <li>• Health and Safety</li> </ul>	hard copy and/or website	

<ul style="list-style-type: none"> <li>• Complaints procedure</li> <li>• Staff conduct policy</li> <li>• Discipline and grievance policies</li> <li>• Staffing structure implementation plan</li> <li>• Information request handling policy</li> <li>• Equality and diversity (including equal opportunities) policies</li> <li>• Staff recruitment policies</li> </ul>		
<p>Pupil and curriculum policies, including:</p> <ul style="list-style-type: none"> <li>• Home-school agreement</li> <li>• Curriculum</li> <li>• Sex education</li> <li>• Special educational needs</li> <li>• Accessibility</li> <li>• Race equality</li> <li>• Collective worship</li> <li>• Careers education</li> <li>• Pupil discipline</li> </ul>	hard copy and/or website	
<p>Records management and personal data policies, including:</p> <ul style="list-style-type: none"> <li>• Information security policies</li> <li>• Records retention destruction and archive policies</li> <li>• Data protection (including information sharing policies)</li> </ul>	hard copy and/or website	
<p>Charging regimes and policies.</p> <p>This should include details of any statutory charging regimes. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made and how they are calculated.</p>	hard copy and/or website	
<p><b>Class 6 – Lists and Registers</b></p> <p>Currently maintained lists and registers only</p>	Some information may only be available by inspection	
Curriculum circulars and statutory instruments	hard copy and/or website	
Disclosure logs	hard copy	
Asset register	hard copy	
Any information the school is currently legally required to hold in publicly available registers <b>(THIS DOES NOT INCLUDE THE ATTENDANCE REGISTER)</b>	hard copy and/or website	

<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only	Some information may only be available by inspection	
Extra-curricular activities	hard copy and/or website	
Out of school clubs	hard copy and/or website	
School publications	hard copy and/or website	
Services for which the school is entitled to recover a fee, together with those fees	hard copy and/or website	
Leaflets books and newsletters	hard copy and/or website	
<b>Additional Information</b> This will provide schools with the opportunity to publish information that is not itemised in the lists above	hard copy and/or website	

**Contact details: The Head of School for South Downs or the Lindfield School.**

#### SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
<b>Disbursement cost</b>	Photocopying/printing @ 1p per sheet (black & white)	Actual cost *
	Photocopying/printing @ 10.p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
<b>Statutory Fee</b>		In accordance with the relevant legislation (quote the actual statute)
<b>Other</b>		

\* the actual cost incurred by the public authority