Bernards Heath Infant and Nursery School

Freedom of Information Policy
Publications Scheme

Review Date:	November 2025
Next Review Date:	November 2027
Reviewed by:	Hannah Rimmer

Governing bodies are responsible for ensuring that schools comply with the Freedom of Information Act 2000 (FOI) which has still not been replaced. Some aspects, such as charging are at the discretion of the governing body (see below).

It should be noted in view of the GDPR, any FOI requests from an individual for their own personally identifiable data is treated under GDPR as a Subject Access Request (SAR). The SAR request should be marked for the attention of the Data Protection Officer.

1. Introduction

Bernards Heath Infant and Nursery School is committed to the Freedom of Information Act 2000 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. Guidance has been taken from the ICO (Information Commissioner's Office) which can be found at www.ico.org.uk

2. Background

The Freedom of Information Act 2000 (FOI) came fully into force on January 1 2005. Under the Act, any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds the information, and to receive a copy, subject to certain exemptions.

The information which the school routinely makes available to the public is included in the Publication Scheme. Requests for other information, such as personally identifiable data is treated under GDPR as a Subject Access Request (SAR) and should be dealt with in accordance with the GDPR. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records subject to Bernards Heath Infant and Nursery School's Retention procedure as outlined in the GDPR policy which the school holds are covered by the Act. The DfES has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide 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.

Requests under FOI can be addressed to anyone in the school; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information.
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. There is a time limit of 20 days excluding school holidays for responding to the request.

3. Scope

The FOI Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the school.

Requests for personally identifiable data is treated under GDPR as a Subject Access Request (SAR) and should be dealt with in accordance with the GDPR. Individuals can request to see what information the school holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

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 Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety. For example, queries about chemicals used in the school or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FOI, but unlike FOI requests, they do not need to be written and can be verbal.

If any element of a request to the school includes personal or environmental information, these elements must be dealt with under the GDPR or EIR. Any other information is a request under FOI, and must be dealt with accordingly.

4. Obligations and Duties

The school recognises its duty to

- provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.
- tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the procedures laid down in the request for handling information flow chart which can be found on the ICO website.

5. Publication Scheme

Bernards Heath Infant and Nursery School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner. To do this we must produce a publication scheme, setting out:

- *The classes of information that 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 classes of information that we undertake to make available are organised into four broad topic areas:
School Prospectus – information published in the school prospectus and through the school website.
Governors' Documents – information published on the school website and in other 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.

<u>Bernards Heath Infant and Nursery School's Publication Scheme</u>

Information to be published. This includes datasets where applicable – please see "How to complete the Guide to Information".	How the information can be obtained
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only	website
Who's who in the school	website
Who's who on the governing body / board of governors and the basis of their appointment	website
Instrument of Government / Articles of Association	Hard copy
Contact details for the Head teacher and for the governing body, via the school (named contacts where possible).	website
School prospectus (if any)	website
Staffing structure	website
School session times and term dates	website
Address of school and contact details, including email address.	website
Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Current and previous financial year as a minimum	
Annual budget plan and financial statements	Available on request from School Business Manager
Capital funding	Available on request from School Business Manager
Financial audit reports	Available on request from School Business Manager
Procurement and projects	Available on request from School Business Manager
Pay policy	Available on request from School Business Manager
Staff allowances and expenses	Available on request from School Business Manager
Staffing, pay and grading structure.	Available on request from School Business Manager
Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors.	Available on request from School Business Manager

Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current information as a minimum	Available on request from School Business Manager
● Performance data supplied to the English or Welsh Government or to the Northern Ireland Executive, or a direct link to the data ● The latest Ofsted report - Summary - Full report ● School Development Plan	Website Website Available on request from School Business Manager
Performance management policy and procedures adopted by the governing body.	Available on request from School Business Manager
Performance data or a direct link to it	website
The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status	Available on request from School Business Manager
Child protection policy	website
Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous three years as a minimum	
Admissions policy/decisions (not individual admission decisions) – where applicable	website
Agendas and minutes of meetings of the governing body and its committees. (NB this will exclude information that is properly regarded as private to the meetings).	Available on request from School Business Manager
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only.	
Records management and personal data policies, including: ● Records retention, destruction and archive policies (part of Data Protection policy) ● Data protection (including information sharing policies)	website
Charging regimes and policies.	website
Class 6 – Lists and Registers Currently maintained lists and registers only (this does not include the attendance register).	Available on request from School Business Manager

• Gifts and Hospitality Register • Asset Register	
Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only	
Extra-curricular activities	website
Out of school clubs	website
School newsletters	website

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
Disbursement cost	Photocopying/printing @ .10p per sheet (black & white)	Actual cost
	Photocopying/printing @ .20p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard 2nd class
Statutory Fee		In accordance with the relevant legislation (quote the actual statute)
Other		

* the actual cost incurred by the public authority

6. Dealing with Requests

We will respond to all requests in accordance to the request for handling information flowchart which can be found on the ICO website. Please clearly mark any correspondence "PUBLICATION SCHEME REQUEST" (which should also be the subject line of any request submitted by email). If the information you're looking for isn't available via the scheme, you can still contact the school to ask if we have it.

If you require a paper version of any of the documents within the scheme, please contact the school by telephone or email for the attention of the School Business Manager.

7. Exemptions

Certain information is subject to either absolute or qualified exemptions. The exemptions guidance information is found on the ICO website.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures 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.

8. Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

For information on applying the Public Interest Test see the ICO website.

9. Charging

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

10. Complaints

Any comments or complaints will be dealt with through the school's normal complaints procedure. We will aim to determine all complaints within 10 days of receipt. We will publish information on our success rate in meeting this target. The school will maintain records of all complaints and their outcome.
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 Information Commissioner's office.

Appeals should be made in writing to the Information Commissioner's office.

They can be contacted at:
FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF