

# MICKLE TRAFFORD VILLAGE SCHOOL



## Freedom of Information Policy

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Date of policy	Autumn 2020
Date for Review	Autumn 2021
Signed Headteacher	
Signed Chair of Governors	

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Model Publication Scheme

Mickle Trafford Village School is committed to protecting the rights of every child in its care. The Freedom of Information Policy has been written with the UN Convention on Rights of the Child in mind with particular reference to Article 3 (Best Interests of the Child) which states:

*The best interests of children must be the primary concern in making decisions that affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.*

## **Statement of intent**

As an educational provider, our school has an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- How our school will respond to requests from individuals for access to information held about them.
- Our school's policy and procedures for the release and publication of private data and public records.
- Our school's policy and procedures for providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by the school in obtaining any requested information, and on charging fees for its provision.

## 1. Legal framework

- a. This policy has due regard to the following legislation:
  - The Data Protection Act 1998
  - The Freedom of Information Act 2000
  - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- b. This policy also has due regard to guidance, including, but not limited to, the following:
  - Information Commissioner's Office 'Model publication scheme' 2016
  - Information Commissioner's Office 'Duty to provide advice and assistance (section 16)' 2016 [www.ico.org.uk](http://www.ico.org.uk)
  - Ministry of Justice 'Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000' 2009
- c. This policy will be viewed in conjunction with the following other school policies:
  - Data Protection Policy

## 2. Data Gathering and Storage

Information will only be gathered and stored for specified purposes.

In order to be able to respond to requests for information the school will implement effective records management policies to enable staff to identify whether information is held and, if it is, locate it quickly and easily.

Information held by the school will be regularly reviewed with a view to archiving or destruction, where appropriate.

## 3. Dealing with Requests for Information

Theoretically any request for information is a request under the Freedom of Information Act, however we will not consider any request that forms part of the normal pattern of work to be a Freedom of Information request. Only those requests which are considered to be outside the normal remit of the service provided will be recorded as Freedom of Information requests.

The school will assist applicants in making their request to have access to information held by the school.

Assistance will be given to applicants whose requests need to be transferred to another public authority (e.g. school, LEA, hospital).

Advice should be sought from Cheshire West and Chester if there is any doubt as to whether information should be disclosed.

## 4 Accepting requests for information

- a. The school will only accept a request for information which meets all of the following criteria:
  - It is in writing
  - It states the name of the applicant and an address for correspondence
  - It describes the information requested
- b. A request will be treated as made in writing if it meets all of the following requirements:
  - It is transmitted by electronic means
  - It is received in legible form
  - It is capable of being used for subsequent reference
- c. The school will publish details of its procedures for dealing with requests for information on the website, which includes:
  - A contact address and email address
  - A telephone number
  - A named individual to assist applicants with their requests

## 5. General right of access to information held by the school

- a. Provided that the request complies with **section 2** of this policy, the school will, no later than **20 working days** from receipt of the request, comply with its duty to:
  - Confirm or deny to any person making a request for information to the school, whether it holds information of the description specified in the request.
  - Provide the documentation, if the school confirms that it holds the requested information.
- b. The school will not comply with section 3.1 of this policy where:
  - The school reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
  - The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
  - A request for information is exempt under Section 2 of the Freedom of Information Act 2000.
  - The cost of providing the information exceeds the appropriate limit.
  - The request is vexatious.
  - The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
  - A fee notice was not honoured.
- c. Where information is, or is thought to be, exempt, the school will, within 20 working days, give notice to the applicant which:
  - States the fact.
  - Specifies the exemption in question.
- d. The information provided to the applicant will be in the format that they have requested, where possible.

- e. Where it is not possible to provide the information in the requested format, the school will assist the applicant by discussing alternative formats in which it can be provided.
- f. If, under relevant disability and discrimination regulations, the school is legally obliged to provide the information in other forms and formats, it will do so.

## **6. The appropriate limit**

- a. The school will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.
- b. When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the school will take account only of the costs we reasonably expect to incur in relation to:
  - Determining whether it holds the information.
  - Locating the information, or a document which may contain the information.
  - Retrieving the information, or a document which may contain the information.
  - Extracting the information from a document containing it.
  - Costs related to the time spent by any person undertaking any of the activities outlined in section 4.2 of this policy on behalf of the school, are to be estimated at a rate of £25 per person per hour.
- c. Where multiple requests for information are made to the school within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the school of complying with all of them.

## **7. Charging fees**

- a. The school may, within 20 working days, give an applicant who has requested information from the school, a written notice stating that a fee is to be charged for the school's compliance.
- b. Charges may be made for disbursements, such as the following:
  - Photocopying
  - Postage and packaging
  - Costs directly incurred as a result of viewing information
- c. Fees charged will not exceed the total cost to the school of:
  - Informing the person making the request whether we hold the information.
  - Communicating the information to the person making the request.
- d. Where a fee is to be charged, the school will not comply with [section 3](#) of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.
- e. The school will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in section 5.3 above.

## **8. Means by which communication is to be made**

- a. Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the school will, as far as is practicable, give effect to that preference:
- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
  - The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
  - The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

## **9. Providing advice and assistance**

- a. The school will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the school.
- b. The school may offer advice and assistance in the following circumstances:
- If an individual requests to know what types of information the school holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
  - If a request has been made, but the school is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
  - If a request has been refused, e.g. due to an excessive cost, and it is necessary for the school to assist the individual who has submitted the request.
- c. The school will provide assistance for each individual on a case-by-case basis; examples of how the school will provide assistance include the following:
- Informing an applicant of their rights under the Freedom of Information Act 2000
  - Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
  - Advising an applicant if information is available elsewhere and how to access this information
  - Keeping an applicant informed on the progress of their request
- d. In order to provide assistance as outlined above, the school will engage in the following good practice procedures:
- Make early contact with an individual and keep them informed of the process of their request.
  - Accurately record and document all correspondence concerning the clarification and handling of any request.
  - Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.

- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
  - Remain prepared to assist an applicant who has had their request denied due to an exemption.
- e. The school will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.
- f. In circumstances where an applicant has difficulty submitting a written request, the school will:
- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
  - Direct the individual to a different agency that may be able to assist with framing their request.
- NB.** This list is not exhaustive and the school may decide to take additional assistance measures that are appropriate to the case.
- g. Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the school, as a matter of good practice, will provide advice and assistance.
- h. The school will advise the applicant how and where information can be obtained, if it is accessible by other means.
- i. Where there is an intention to publish the information in the future, the school will advise the applicant of when this publication is expected.
- j. If the request is not clear, the school will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.
- k. If the school is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.
- l. If any additional clarification is needed for the remainder of a request, the school will ensure there is no delay in asking for further information.
- m. If an applicant decides not to follow the school's advice and assistance and fails to provide clarification, the school is under no obligation to contact the applicant again.
- n. If the school is under any doubt that the applicant did not receive the advice and assistance, the school will re-issue it.
- o. The school is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under Section 14 of the Freedom of Information Act 2000.
- p. The school is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the school will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.
- q. A record will be kept by the headteacher in the school office of all the advice and assistance provided.



## 10. Logging Requests Received

The school should keep a record of all requests received for monitoring purposes, noting:

- a) the date the request was received,
- b) name and contact details of the person or organisation making the request,
- c) the date the request was fulfilled or refused,
- d) the reason for any exemption being applied,
- e) the reason for any failure to meet the 20 day deadline.

## 11. Publication scheme

- a. The school will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the school website, and whether the information will be available free of charge or on payment.
- b. The publication scheme will be reviewed and, where necessary, updated on an annual basis.

## 12. Monitoring and review

- a. This policy will be reviewed on an annual basis, or in light of any changes to relevant legislation, by the headteacher.

### **Model Publication Scheme**

This scheme follows the model approved by the Information Commissioner's Office and sets out the classes of information which we publish or intend to publish; the format in which the information will be made available and whether the information is available free of charge or on payment.

#### **I. Classes of information**

Mickle Trafford believes in being open and honest and, wherever possible will publish all policies, procedures and information to the parents and carers of our children without limiting our publications to those set out in statutory guidelines.

Published information can be categorised into 5 key topics:

1. School Prospectus – information published in the school prospectus.
2. Governors' Documents – information about work of governing body in school improvement and how to contact them
3. Pupils & Curriculum – information about policies that relate to pupils and the school curriculum.
4. School Policies and other information related to the school - information about policies that relate to the school in general.
5. Data sets – information about our performance in Y6 tests, funding expenditure

**All information will be available via the school website**

Information which **will not** be made available under this scheme includes:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form, or notes, documents in older versions, emails or other correspondence.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

## **2. How to request information**

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting the school using the below contact details:

Phone: 01244 981321

Email: [admin@mickletrafford.cheshire.sch.uk](mailto:admin@mickletrafford.cheshire.sch.uk)

Letter: Mrs W Lyon  
Head Teacher  
Mickle Trafford Village School  
School Lane  
Mickle Trafford  
Chester  
CH2 4EF

To enable us to process your request quickly, please mark all correspondence:

**“FREEDOM OF INFORMATION REQUEST”**

Documents can be translated under disability legislation into accessible formats where possible.

## **3. Charges**

Documents contained in this scheme are free to view on the school website.

Single paper copies are also available free of charge to parents/carers and prospective parents/carers of the school.

## **4. Feedback**

We welcome any comments or suggestions you may have regarding this scheme. Please contact the governing body by emailing [admin@mickletrafford.cheshire.sch.uk](mailto:admin@mickletrafford.cheshire.sch.uk) who will forward your comments or suggestions to the Chair of Governors.