



# Freedom of Information, Environmental Information Regulations and Publication Scheme Policy

This policy was approved and ratified by the Finance & Resources Committee of the Board of Trustees of Cox Green School

On 12<sup>th</sup> March 2024

Version	Authorisation	Approval Date	Effective Date	Next Review
1	Full Governing Body	Jan 2012	Jan 2014	Sept 2012
1.2	Full Governing Body	Sept 2012	Sept 2012	Sept 2013
1.3	Full Governing Body	Feb 2013	Feb 2013	Sept 2014
1.4	Full Governing Body	Oct 2014	Oct 2014	Sept 2015
1.5	Full Governing Body	Oct 2015	Oct 2015	Sept 2016
1.6	Finance & Resources Committee	Oct 2016	Oct 2016	Oct 2019
1.7	Full Governing Board	May 2018	May 2018	May 2021
1.8	Finance & Resources Committee	Feb 2021	Feb 2021	Feb 2024
1.9	Finance & Resources Committee	March 2024	March 2024	March 2027



## Introduction

The Board of Trustees are aware that the school has a legal duty to comply with the Freedom Of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).

The school's policy is that:

- A request for information must be submitted in writing unless it is an EIR request in which case an oral request is adequate;
- An enquirer must be informed whether the school holds requested information or not;
- The information must be supplied or a relevant FOI exemption or EIR Exception applied to withhold it within 20 working days of the request;
- Any release of personal data will only be done in compliance with the Data Protection Act (GDPR) 2018;
- The Headteacher will administer the school's process for providing information. Any complaints regarding FOI requests should in the first instance be directed to the Headteacher;
- The school commissions the services of a Data Protection Officer qualified in The Environmental Information Act and the Data Protection Act (GDPR). Where required the school will obtain specialist advice regarding the Freedom of Information Act.

## Responsibilities

The Headteacher has overall responsibility to the Board of Trustees for ensuring that the policy is implemented and that the management process is maintained. The school's Business Manager is responsible to the Headteacher for the day-to-day management of the policy.

## The School's Process:

On receipt of a request in writing (or oral for EIR) for information, the Headteacher will:

- Decide whether the request is a request under Data Protection Act 2018 (UK GDPR), Environmental Information Regulations 2004 or Freedom Of Information Act 2000;
- Decide whether the school holds the information or whether the request should be transferred to another body if the information is held by them;
- Provide the information if it has already been made public;
- Inform the enquirer if the information is not held;
- Consider whether a third party's interests might be affected by disclosure and if so consult them;
- Consider whether any FOI exemptions or EIR Exceptions apply and whether they are absolute or qualified;
- Where applicable carry out a public interest test prior to applying a qualified exemption. The 'Qualified Person' will be the School Business Manager.
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit (£450 with a maximum of £50 per individual educational record);
- If a request is made for a document that contains exempt personal information ensure that the personal information is removed by applying the redaction procedure;
- Consider whether the request is vexatious or repeated.

The school recognises its duty to provide advice and assistance to anyone requesting information.



### **Reasons for not Complying with a Request**

The school accepts that according to FOI legislation there are only four reasons for not complying with a valid request for information under FOI:

1. The information is not held;
2. The cost threshold is reached (£450);
3. The request is considered vexatious or repeated;
4. One or more of the exemptions apply.

The school also recognises that there are 24 exemptions provided by the FOIA. The most applicable for schools are:

- a. S21. Information accessible to applicant by other means;
- b. S40. Personal information;
- c. S39. Environmental information; where information is covered by the Environmental Information Regulations 2004. EIR requests must be responded to within 20 working days. Withheld information must have a relevant 'exception' applied. All exceptions are public interest test applicable.

Details of EIR exceptions are available here:

<https://www.legislation.gov.uk/ukxi/2004/3391/regulation/12/made>

### **Complaints**

Expressions of dissatisfaction will be handled through the school's existing complaints procedure. Upon completion of the complaints process, the requestor will be informed of their right to contact the Information Commissioners Office (ICO) should they still be unhappy.

### **Information To Be Provided And The Publication Scheme**

The Trustees have decided that:

1. All published information by the school will be made available;
2. All unpublished information (including any advice or memoranda) will be made available on request, except where a relevant exemption applies.

The schools publication scheme complies with the scheme approved by the Information Commissioner.

Cox Green School makes information available to the public as part of its normal business activities.

The information covered is included in the classes of information mentioned below, where this information is held by the authority.

Cox Green School's publication scheme is committed to proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below:

- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme;



- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public;
- To review and update on a regular basis the information the authority makes available under this scheme;
- To produce a schedule of any fees charged for access to information which is made proactively available;
- To make this publication scheme available to the public;
- To publish any dataset held by the school that has been requested, and any updated versions it holds, unless the school is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use.

#### Classes of Information

- Who we are and what we do - Organisational information, locations and contacts, constitutional and legal governance.
- What we spend and how we spend it - Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- What our priorities are and how we are doing - Strategy and performance information, plans, assessments, inspections and reviews.
- How we make decisions - Policy proposals and decisions.
- Decision making processes - Internal criteria and procedures, consultations.
- Our policies and procedures - Current written protocols for delivering our functions and responsibilities.
- Lists and registers - Information held in registers required by law and other lists and registers relating to the functions of the school.
- The services we offer - Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- 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;
- 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.

The information published under this scheme will be made available on the school website [www.coxgreen.com](http://www.coxgreen.com). Requests for additional information can be made to the school Data Protection Team/IT and Facilities Operations Manager by email to [enquiries@coxgreen.com](mailto:enquiries@coxgreen.com).

#### Advertising the Service

The school will advertise its policy on Freedom Of Information on the school website.

#### Charging

The school will charge its communication costs, such as photocopying, printing and postage.



### **Training**

Staff involved in the storage and management of the service will receive appropriate training.

### **Communication of Policy**

This policy will be published on the school website and the staff intranet.

### **Review of Policy**

This policy shall be reviewed every 3 years by the Finance & Resources Committee.