North Denes Primary School Freedom of Information Policy and Publication Scheme

[Version 2025 v1.3]

If you are reading a printed version of this document you should check the Data Protection/Information Management pages on the school website/network to ensure that you have the most up-to-date version. Alternatively, please ask the school office for a copy.

If you would like to discuss anything in this procedure, please contact:

Data Protection Officer: **Data Protection Education Ltd.**

Telephone: 0800 0862018

Email: dpo@dataprotection.education

If you would like a copy of any documentation, please contact the school office.

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POLICY OBJECTIVES

The Freedom of Information Act 2000 ("FOIA") sets out a public "right to know" in relation to public bodies. The FOIA also sets out certain exemptions to those rights.

The purpose of this Freedom of Information Policy is to outline North Dene's approach to its FOIA obligations to create a climate of openness and dialogue.

ABOUT THIS POLICY

This policy sets out how the North Dene's Primary School will respond to a request under the FOIA.

This policy applies to the information held by North Dene's Primary School or held by other parties on behalf of North Dene's Primary School that is governed by the FOIA. To promote a culture of openness and accountability, and to comply with the FOIA, we have a responsibility to ensure that this information is either routinely made available or provided on request, unless there is a legitimate reason for withholding it.

THE FREEDOM OF INFORMATION ACT

The FOIA provides public access to information held by public authorities.

It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

FOIA covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

For a request to be dealt with according to the Freedom of Information Act, the requester must:

- contact the relevant authority directly;
- make the request in writing, for example in a letter or an email. They can make a verbal or written request for environmental information;
- give their real name; and
- give an address to which the authority can reply. This can be a postal or email address.

A requester does not have to:

- mention the Freedom of Information Act;
- know whether the information is covered by the Freedom of Information Act; or
- say why they want the information.

FREEDOM OF INFORMATION PRINCIPLES

The main principle behind freedom of information legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to.

This means that:

- everybody has a right to access official information. Disclosure of information should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by FOIA;
- an applicant (requester) does not need to give you a reason for wanting the information. On the contrary, you must justify refusing them information;
- you must treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data
- The information someone can get under FOIA should not be affected by who they are. You should treat all requesters equally, whether they are journalists, local residents, public authority employees, or foreign researchers; and
- because you should treat all requesters equally, you should only disclose information under FOIA if you would disclose it to anyone else who asked. In other words, you should consider any information you release under FOIA as if it were being released to the world at large.

APPLICATION OF EXEMPTIONS

The Freedom of Information Act (FOIA) recognises that some information should not be disclosed. While many exemptions exist, in practice only a small number are commonly relevant to schools. These exemptions fall into two categories:

- **Absolute exemptions** – information can be withheld without applying the public interest test.
- **Qualified exemptions** – information can be withheld only if, after applying the public interest test, the public interest in withholding outweighs disclosure.

Absolute Exemptions commonly used:

- **Section 21 – Information accessible by other means**
  If the information is already published (e.g. on the school website, in the prospectus, or in statutory reports), there is no need to provide it again. Instead, the requester can be directed to the source.
- **Section 40(1) – Personal data of the requester**
  If someone asks for their own personal information (e.g. a parent requesting records about themselves), this should be handled under the Data Protection Act / Subject Access Request process, not FOIA.
- **Section 40(2) – Personal data of third parties**
  Information that would identify a pupil, parent, or staff member cannot be disclosed if doing so would breach UK GDPR principles. For example, releasing exam results that identify individual pupils, or disciplinary records about staff, would usually be exempt.
- **Section 41 – Information provided in confidence**
  Where information was obtained in confidence and disclosure would be an actionable breach of confidence. For example, safeguarding reports from social services, or confidential references provided to the school.

Qualified Exemptions commonly used:

- **Section 36 – Prejudice to the effective conduct of public affairs**
  Used if disclosure would inhibit free and frank discussion, advice, or the ability of staff/governors to make decisions. For example, disclosing draft minutes of governing body discussions while decisions are still being debated.
- **Section 38 – Health and safety**
  Applied if disclosure would endanger the physical or mental health or safety of an individual. For example, details of evacuation procedures that could create a security risk if misused.
- **Section 40(2) – Personal data (qualified application)**
  In some cases, a balancing exercise may be needed to assess whether disclosure is fair (e.g. senior staff salaries). Routine publishing of pay bands is encouraged, but disclosure of identifiable details below senior level would usually be unfair.

- **Section 43 – Commercial interests**
  Used to protect sensitive information about the financial or contractual interests of the school or its suppliers. For example, revealing details of a live procurement process or bids from contractors could prejudice fair competition.

GUIDANCE FOR STAFF

When considering exemptions:

- Always start from the assumption that information should be disclosed unless a valid exemption applies.
- Consider whether only part of the information is exempt,and release the remainder where possible (with redaction if necessary).
- Where a qualified exemption is applied, a documented **public interest test** must be carried out (see below).
- Only withhold the minimum necessary.
- Complex or borderline cases should be referred to the Data Protection Officer for advice.

A full list of exemptions is available on the Information Commissioner's Office (ICO) website.

APPLYING THE PUBLIC INTEREST TEST

For qualified exemptions, the organisation will apply the public interest test. This requires balancing the public interest in disclosure against the public interest in withholding the information.

Step 1: Confirm that the exemption is engaged (i.e., the information falls within the scope of the exemption).
Step 2: Assess whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

Factors in favour of disclosure may include:

- Promoting transparency and accountability of public authorities.
- Furthering public debate on important issues.
- Promoting better public understanding of decisions and spending.
- Enhancing public confidence in decision-making.

Factors in favour of withholding may include:

- Protecting sensitive commercial or financial interests.
- Preserving the confidentiality of legal or policy advice.
- Avoiding prejudice to the effective conduct of public affairs.
- Safeguarding the rights and interests of individuals.

Principles:

- There is a general presumption in favour of disclosure.

- Each request must be considered on a case-by-case basis.
- The reasoning behind the public interest test must be documented and retained for accountability.

REFUSAL NOTICES

Where a request for information is refused in full or in part, a refusal notice must be issued to the requester within **20 working days** of receipt of the request.

The refusal notice must include:

1. A clear statement that the request has been refused (in whole or in part).
2. The specific exemption(s) being relied upon.
3. A meaningful explanation of why the exemption applies.
4. Where relevant, an explanation of how the public interest test has been considered.
5. Information on the requester's right to request an internal review.
6. Information on the right to complain to the ICO if dissatisfied with the outcome of the internal review.

BREACH OF POLICY AND STANDARDS

Disciplinary action may be taken in accordance with the North Dene's Primary School'sdisciplinary procedures against any employee who knowingly or recklessly:

- Alters, defaces, blocks, erases, destroys or conceals any record held by the [insert name of organisation], with the intention of preventing the disclosure of all, or any part, of the information that has been requested as part of a Freedom of Information request;
- Contravenes any instruction contained in, or following from, this Policy and Standards.

We expect that similar disciplinary procedures will be applied by any of our contractors which deal with the [insert name of organisation]'s information and data on the [insert name of organisation]'s behalf.

COMPLAINTS PROCEDURE

Where a request for information is refused for any reason, we will notify the applicant and give the reasons. For exemptions we will state which exemption has been claimed, and unless apparent, why that exemption applies, specifying the public interest factors (for and against disclosure) if applicable. We will not simply repeat the wording of the exemption unless the explanation would involve the disclosure of information which would itself be exempted information.

When communicating any decision made in relation to a request under FOIA's general right of access, we will notify the applicant of their rights of complaint. A person dissatisfied with the way in which their request has been handled may ask for an internal review of the way in which their request was dealt with, and, if still dissatisfied, may apply directly to the Information Commissioner for a decision.

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When communicating any decision made in relation to a request under FOIA's general right of access, we will notify the applicant of their rights of complaint. A person dissatisfied with the way in which their request has been handled may ask for an internal review of the way in which their request was dealt with, and, if still dissatisfied, may apply directly to the Information Commissioner for a decision.

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9. Publication Scheme

Background
The Governing Body must ensure that the school is registered with the Information Commissioner's Office (ICO).
Also, the school must conform to the Freedom of Information Act 2000 which gives a right of access to information held by public bodies, including schools and academies (schedule 1, Part IV). https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/

In line with Section 19 of this Act, schools must produce a publication scheme which makes it clear to the public what information they will make public when required to respond to requests for information under this legislation. Data Protection Education use the ICO model template for the Publication Scheme.

The school publication scheme should set out:

- The classes of information which will be published or which the school intends to publish either on their website or in hard copy version
- The manner in which the information will be published
- Whether the information is available to download from the website free of charge or via payment to the school

The publication scheme should conform to the model scheme for schools approved by the Information Commissioner (see references above) or a bespoke policy should be authorised by the Information Commissioner's Office (ICO).

Introduction
The School is registered with the Information Commissioner's Office (ICO) and conforms with its requirements under the Freedom of Information Act 2000. This Act gives a right of access to information held by public bodies, including schools and academies, which are required to produce a Publication Scheme that makes it clear to the public what information they will make public when required to respond to requests for information.

Requirements of the Policy: As a school we are required to publicise the fact that information is available under this scheme and this is carried out annually at the beginning of the new academic year in September.

Under this scheme, we agree to review the information we are publishing. This will be done annually as we update the website. We also agree to make new information available promptly – this will be done via the school newsletter and website.

As an organisation we agree to update old information. This is carried out regularly as a matter of course, often through national channels such as the Ofsted website or the DfE school performance tables.

Information about the school is available through Local Authority as well as the government's official register of educational establishments in England and Wales - Get Information About Schools (GIAS). GIAS is also the national database of school governors https://get-information-schools.service.gov.uk/

What is Available: Information that is available is detailed below in table format and shows where the information can be sourced. Some information in our Publication Scheme is available in hard copy paper format from the school office, upon request. For ease of access, a large percentage of our Publication Scheme documents are available from our school website, and these are free to download.

Under this scheme, some personal and sensitive information is exempt from publication. Where information is not available online, we must respond promptly to any requests to see it. However, we are not required to create new information in order to comply with the act.

We seek at all times to keep parents and other members of the public fully informed of our activities through our website and newsletters (also available through the school's website)

Charging for access to information: Where information outlined in the Definition Document is not available on the website – either because it is not in electronic format or is too unwieldy to be transferred in such a format – we will make it available to be viewed in the school.
In the first instance, you should contact the School office to arrange a viewing.

Photocopies of such information are also available, charges for copies are shown on the final page of this document.

The purpose of our publication scheme is to demonstrate how we respond to the specific requirements of the Freedom of Information Act 2000.

Reference documents
This policy should be read in conjunction with the following guidance document:

Definition document for governing bodies of maintained schools in England produced by the ICO (as revised in 2013)
https://ico.org.uk/media/for-organisations/documents/1235/definition-document-schools-in-england.pdf

Reference should be made to the following DPE/ School policies: Data Protection Policy and Retention of Records Policy.

Classes of information published
Class 1: **Who we are and what we do** - Organisational information, structures, locations and contacts

Class 2: **What we spend and how we spend it** – Financial information relating to projected and actual income and expenditure, procurement, contractual agreements and financial audit

Class 3: **The school's priorities and how they are being achieved** - Strategies and plans, performance indicators, audits, inspections and reviews

Class 4: **How we make decisions as a school -** Decision making process and records of decisions

Class 5: **Our policies and procedures** –This list includes all statutory DfE Policies (to be published and for internal school use) under this class of information as well as our current written protocols, policies and procedures for delivering our services and responsibilities

Class 6: **Lists and registers** - Any information that the school is legally required to hold in publicly available registers

Class 7: **The services offered by the school** – Information about the services offered by the school, including leaflets, guidance and newsletters produced for public

Maintained Schools: Information to be published	How the information can be obtained	Cost
Class 1 - Who we are and what we do Organisational information, structures, locations and contacts		
Who's who in the school (ICO)	Website	Free
Who's who on the Governing Body and the basis of their appointment (ICO)	Website or link to GIAS GOV.UK database	Free

Schools can add link to their record held on the 'Get Information About Schools' government database to show this information. General link to GIAS Get information about schools - GOV.UK (get-information-schools.service.gov.uk)		
Instrument of Government (DfE) schools can add link to their record held on the 'Get Information About Schools' government database to show this information. General link to GIAS Get information about schools - GOV.UK (get-information-schools.service.gov.uk)	Website or link to GIAS GOV.UK database	Free
Contact details for the Headteacher/ Chair of Governors, via the School's Office (ICO)	Website	Free
School session times,term dates, including Inset days (ICO) and opening hours	Website	Free
Contact details, including School Office, individual schools and email address (ICO)	Website	Free

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

Annual budget plan and financial statements (ICO)	Local Authority Website	Free

	Childrens Services ICT Solutions (norfolk.gov.uk)	
Capital funding (ICO)	Local Authority Website Childrens Services ICT Solutions (norfolk.gov.uk)	Free
Financial audit reports (ICO)	Upon written request to school	Nominal Charge*
Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors (ICO)	Upon written request to school	Nominal Charge*

Class 3 – What our priorities are and how we are doing

Strategies and plans, performance indicators, audits, inspections and reviews

Performance management policy and procedures adopted by the Governing Body (ICO)	Upon written request to school	Nominal Charge*
Performance data or a direct link to it	Website	Free

Ofsted inspection reports (ICO)	Website	Free
The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status (ICO)	Website Upon written request to school	Free Nominal Charge*
Safeguarding and child protection (ICO)	Website	Free

Class 4 – How we make decisions Decision making processes and records of decisions		
Admissions policy (ICO/DfE)	Website	Free
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) (ICO)	Upon written request to school	Nominal Charge*

Class 5 – Our policies and procedures (Please see table below)

The School's current written protocols, policies and procedures for delivering our services and responsibilities

Statutory Documents - *this list also includes **all** DfE statutory documents some of which may be combined within other school documentation. It also shows which are available on the school website and free to download as well as other statutory documents which are held by the school for their internal use.*	**Availability**	**Held by School for Internal Use Only**
Accessibility Plan	Website - Free	
Admissions Policy	Website - Free	
Behaviour in Schools Policy	Website - Free	
Behaviour Principles written statement	Website - Free	
Capability of Staff	N/A	Internal Use
Careers guidance: details of your careers programme and a provider access statement	N/A	Internal Use
Charging and Remissions Policy	Website - Free	

Child Protection Policy and Procedures	Website - Free	
Children with health needs who cannot attend school	Website - Free	
Complaints Policy	Website - Free	
Data Protection Policy	Website - Free	
Designated teacher for looked-after and previously looked-after children	N/A	Internal Use
Early Years Foundation Stage EYFS	N/A	Internal Use
Equality information and objectives (public sector equality duty) statement for publication	Website - Free	
First Aid in Schools	N/A	Internal Use
Governors Allowances (Schemes for paying)	N/A	Internal Use
Health and Safety Policy	N/A	Internal lUse

Instrument of Government	Website - Free	
Newly Qualified Teachers (NQT)	N/A	Internal Use
Premises Management Document	N/A	Internal Use
Protection of Biometric Information held in schools	N/A	Internal Use
Register of business interests of headteachers and governors	N/A	Internal Use
Register of student's admission to school and attendance	N/A	Internal Use
School Exclusion Policy	N/A	Internal Use
School information published on a website	Website - Free	
Sex and relationships education	Website - Free	
Single Central Record of security and vetting checks	N/A	Internal Use

Special Educational Needs and Disability SEND)	Website - Free	
Staff discipline, conduct and grievance (procedures for addressing)	N/A	Internal Use
Statement of procedures for dealing with allegations of abuse made against staff	N/A	Internal Use
Supporting students with medical conditions	Website - Free	
Teachers Pay	N/A	Internal Use
Uniform Policy	Website - Free	
PLEASE LIST ALL OTHER WRITTEN POLICIES / PROCEDURES THAT THE SCHOOL HAS IN PLACE TO DELIVER SERVICES AND RESPONSIBILITIES, AS REQUIRED BY THE ICO		

Class 6 – Lists and Registers

Asset register (ICO)	By inspection - upon written request	Free

Any information the school is currently legally required to hold in publicly available registers (ICO)	By inspection - upon written request	Free

Class 7 – The services we offer

Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses

Extra-curricular activities (ICO)	Website	Free
Out of school clubs (ICO)	Website	Free
Services for which the school is entitled to recover a fee, together with those fees (ICO)	Website	Free
School publications, leaflets, books and newsletters (ICO)	Website	Free