



## **Freedom of Information / Environmental Information Regulations Policy (in conjunction with Publication Scheme)**

Audience	Whole school community
Date for review	Academic Year 2019/2020 <i>earlier as necessary</i>
Responsible for monitoring	Governing Body
Agreed by Quality Assurance Committee	30 November 2017
Ratified by Governing Body	6 December 2017

Hampstead School is committed to the United Nations Convention on the Rights of the Child adopted by the UN General Assembly in 1989 and ratified by the UK in 1991.

Article 42: (knowledge of rights) – Governments must make the Convention known to children and adults.

### **1. Terms of reference**

1.1 The purpose of this policy is to ensure Hampstead School complies with the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIRs).

1.2 We will ensure that:

- We take a proactive and positive approach towards information rights
- We publish a significant amount of routinely published information about the school on our website, which is our Publication Scheme.
- Formal requests under FOIA or EIRs are dealt with within the statutory timescales, and exemptions or exception are applied properly considering the public interest test where relevant, with a presumption in favour of disclosure.

### **2. Publication Scheme**

2.1 Section 19 of the Freedom of Information Act 2000 require schools adopt and maintain an Information Commissioner approved publication scheme and to proactively publish information in accordance with that scheme.

2.2 The Publication Scheme is a document which specifies:

- the classes of information which we already publish or intend to publish
- the manner in which the information will be published; and
- whether or not there is any charge for the information

- 2.8 Information will be provided in the language in which it is held only. Where we are legally required to translate any information, we will do so.
- 2.9 We will meet our obligations under the Equality Act 2010 and any other legislation to provide information in other forms and formats.

### **3. Freedom of Information Act 2000 and Environmental Information Regulations 2004 Requests**

- 3.1 The FOIA and EIRs apply to requests for recorded information held by the school.
- 3.2 Anyone can make a request for recorded information. Requests must be made in writing such as by email or post. The requester must give their name and an address to correspond with them, this can be email or post. Requesters do not have to explain why they are making a request or justify their request.
- 3.3 Whilst a request can be in the form of a question, rather than a request for specific documents, the school does not have to create new information or giving an opinion or judgment that is not already recorded.
- 3.4 We will acknowledge receipt of requests within 3 school days, however we may need to seek clarification to establish or in some cases help the requester refine their request before it is deemed valid. The timescales for response commence after receipt of a valid request.
- 3.5 When we have received a valid request we will reply within the statutory timescales. The presumption is that the information will be provided. However there will be occasions where we will not hold the information. Applicants will be informed if this is the case.
- 3.6 If any information is to be withheld then we will send a response that confirms or denies whether we hold the information \*. The response will give details of the exemption / exception applied and why it applies. Where required the response will set out the public interest test. Where an exemptions / exception allows for an extension in the response timescale we will inform applicants. \*Unless a specific exemption permits a neither confirm nor deny response to be made.
- 3.7 Charges may be applied to the communication costs of some requests (e.g. photocopying, postage and packaging, copying) and if this is the case we will inform the requester and give them 3 month to pay the fee before the request will lapse. On these occasions the information will be released upon receipt of any fees.
- 3.8 All responses will explain how to request an internal review, and how to contact the Information Commissioner. If the requester wishes to contest the outcome of the internal, school can be contacted within 15 school days from the date of the response to request a review
- 3.9 The Chair of Governors or a nominated Governor will undertake the Internal Review and will inform the requester whether they uphold or not the original response in full

or in part. They will respond to an Internal Review within 20 school days from the receipt date of that request.

3.10 The Information Commissioner (ICO) is the independent regulatory authority for both the Freedom of Information Act 2000 and Environmental Information Regulations 2004. The school will abide by the decisions of the Information Commissioners Office, unless it considers itself to have grounds for an appeal to the Information Tribunal. The ICO details are : Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF Telephone: 01625 545 700 [www.ico.org.uk](http://www.ico.org.uk)

3.11 Requests for personal data and some third party information are covered solely by the Data Protection Act 1998. Further details are available in our Data Protection Policy.

#### **4. Roles and responsibilities**

4.1 The head teacher has overall responsibility for both Freedom of Information and Environmental Information Regulations in the school however day to day responsibility may be delegated to other staff members.

4.2 The Qualified Person for determining whether disclosure would be likely to prejudice the effective conduct of public affairs should the Section 36 Exemption be engaged, is the Chair of Governors.

4.3 The Chair of Governors will be responsible for undertaking Internal Review unless section 36 has been engaged in which case a nominated member of the Governing body with no prior involvement will be responsible for the review.

#### **5. Handling and tracking of requests**

5.1 Requests for information under the FOI should be in writing and whilst all members of staff will assist any requester where possible, we have a designated email address to assist with prompt processing. Requesters can make an EIR request verbally but it is helpful for them to make it in writing.

email: [enquiries@hampsteadschool.org.uk](mailto:enquiries@hampsteadschool.org.uk)  
Hampstead School, Westbere Road, London NW2 3RT  
Tel. No. 020 7794 8133

5.2 All requests for information will be logged by the Business Manager and tracked thereafter. This will assist us in ensuring that timescales are met and assist identification of repeat, similar or vexatious requests.

5.3 We will annually review multiple or similar requests for information on subjects not already included in our Publication Scheme and this will lead to consideration for inclusion within it.

Signed:   
Chair Quality Assurance Committee

Date: 6th Dec 2017