



# Freedom of Information Policy

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## Version Control

The table below shows the history of the document and the changes that were made at each version:

Date agreed	Summary of changes
22 <sup>nd</sup> November 2022	Updated sections 1 and 2.
6 <sup>th</sup> December 2017	N/A

## 1. Policy Aim

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).

## 2. Policy Statement

2.1. We will ensure that:

- we take a proactive and positive approach towards information rights
- we will publish a significant amount of routinely published information about the school on our website, which contains our Publication Scheme
- we will deal with requests informally as 'business as usual' where possible

- we will deal with formal requests under FOIA or EIRs within the statutory timescales, apply exemptions or exceptions properly, consider the public interest test where relevant, and always have a presumption in favour of disclosure
- we undertake Internal Reviews within the required timescales, and they will be carried out by someone other than the case holder
- 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 & Environmental Information Regulations Requests**

3.1. The FOIA and EIRs apply to requests for recorded information held by the school which cannot be answered as a 'business as usual' request. We will answer requests quickly and informally as 'business as usual' where possible.

3.2. Anyone can make a request for recorded information. Freedom of Information (FOI) requests must be made in writing such as by email or post, although EIRs requests can be made verbally. 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 give an opinion or judgment that is not already recorded.

3.4. We will acknowledge receipt of requests within 3 school days during term time, and as soon as practicable during school holidays. Where needed, we will 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 timescale is 20 school days or 60 working days, whichever is the shorter. The presumption is that the information will be provided. However there will be occasions where we will not hold the requested 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 (unless a specific exemption permits a neither confirm nor deny response to be made). 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.

3.7. We will only apply charges to the communication costs of some requests (e.g. photocopying, postage and packaging) where these are onerous on the school. If this is the case we will inform the requester and give them 3 months 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's Office if the requester is unhappy with the outcome of their Internal Review. A review can be requested within 2 months from the date of the response.

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 25 school days during term time from the receipt date of that request.

3.10. The Information Commissioner's Office (ICO) is the FOIA and EIRs regulator. The school will abide by the decisions of the ICO unless it appeals to the Information Tribunal. (The ICO is contactable at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9, or via telephone on 0303 123 1113. The website is available at [www.ico.org.uk](http://www.ico.org.uk))

## **4. Roles & Responsibilities**

4.1. The Head has overall responsibility for FOIA and EIRs in the school, although day-to-day responsibility has been delegated to the Director of Business Operations, another member of the Senior Leadership Team.

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

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

## **5. Handling & Tracking of Requests**

5.1. Requests for information under the FOIA 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. The email address is [enquiries@hampsteadschool.org.uk](mailto:enquiries@hampsteadschool.org.uk)

5.2. All requests for information will be logged by the Director of Business Operations and tracked to ensure that timescales are met and to 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.

## **Policy Consultation & Review**

This policy is available on our school website and available on request from the Administration Office.

This policy was last reviewed and agreed by the Finance & Site Committee on 22<sup>nd</sup> November 2022. This policy will be reviewed on an annual basis. It is due to be reviewed again in the academic year 2023-24.