

This is St Joseph's Catholic Primary School Publication Scheme on information available under the Freedom of Information Act 2000

The governing body is responsible for maintenance of this scheme. Please see Appendix regarding implementation guidelines.

1. Introduction: what a publication scheme is and why it has been developed

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including all maintained schools, should be clear and proactive about the information they will make public.

To do this we must produce a publication scheme, setting out:

- *The classes of information which we publish or intend to publish;*
- *The manner in which the information will be published; and*
- *Whether the information is available free of charge or on payment.*

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is either available for you on our website to download and print off or available in paper form.

Some information which we hold may not be made public, for example personal information.

This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

2. Aims and Objectives

The family of St Joseph's School seeks to live, love and learn in a caring Christian community. As a Catholic School, we see Christ as the foundation of all of our educational efforts, at the heart of all we are striving to experience and achieve, in each and every aspect of school life.

We are an educating community whose aims and work are lit by the vision of the Gospel. Our Mission is to bring the children to know, love and serve God in their hearts and minds.

Within this context, our vision is:

- To encourage a personal love of God through the teachings of Jesus Christ, as made known to us through the Catholic faith
- To create a caring community in which each child is enabled to develop to their full potential
- To create a safe and inclusive learning environment that will enrich and add value to all children academically, emotionally and socially
- To be recognised as an inclusive school achieving excellent academic standards incorporating the needs, abilities, gifts and talents of all our children
- To be proactive in terms of pioneering new initiatives in order to raise pupil standards
- To provide professional development for all staff through focused in-service training so as to provide our children with very good teaching and learning opportunities

3. Categories of information published

The publication scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as 'classes'. These are contained in section 6 of this scheme.

The classes of information that we undertake to make available are organised into seven broad topic areas:

- *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, contracts and financial audit
- *Class 3 What our priorities are and how we are doing* – strategies and plans, performance indicators, audits, inspections and reviews

- *Class 4 How we make decisions* – decision making processes and records of decisions
- *Class 5 Our policies and procedures* – current written protocols, policies and procedures for delivering our services and responsibilities.
- *Class 6 Lists and registers* – currently maintained lists and registers only (this does not include the attendance register)
- *Class 7 The services we offer* – information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses

4. How to request information

If you require a paper version of any of the documents within the scheme, please contact the school by telephone, email or letter. Contact details are set out below or you can visit our website at **www.stjosephs207.herts.sch.uk**

Email: **admin@stjosephs207.herts.sch.uk**

Tel: 01279 652576

Contact Address: St Joseph's Catholic Primary, Great Hadham Road, Bishop's Stortford, Herts. CM23 2NL

To help us process your request quickly, please clearly mark any correspondence **"PUBLICATION SCHEME REQUEST"** (in CAPITALS please)

If the information you're looking for isn't available via the scheme and isn't on our website, you can still contact the school to ask if we have it.

5. Paying for information

Information published on our website is free, although you may incur costs from your Internet service provider. If you don't have Internet access, you can access our website using a local library or an Internet café.

All requests for single paper copies of information not on our website will incur a minimum cost of £1.00 to cover paper and photocopying. This figure also excludes any postal charges which will also be made. If your request means that we have to do a lot of photocopying / printing, or pay a large postage charge, we will let you know the cost before fulfilling your request. The maximum we will charge in order to fulfil your request is currently £450. We will inform you of our charges before undertaking your request.

6. Classes of Information Currently Published

Class 1 – Who we are and what we do

Description	How the information can be obtained
Who's who in the school	Website
Who's who on board of governors and the basis of their appointment	Website
Instrument of Governance	Hard copy
Contact details for the Head teacher and for the governing body	Website
School Prospectus	Website
Annual Report	Website
Staffing structure	Website
School session times and term dates	Website
Address of school and contact details, including e mail address	Website

Class 2 – What we spend and how we spend it

Description	How the information can be obtained
Current and previous financial year	Website
Capital funding	Hard copy
Financial audit reports	Hard copy
Procurement and contracts the school has entered into	Hard Copy
Pay policy	Website
Governors' Allowance policy	Website

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

Description	How the information can be obtained
The school profile including performance data and a link to the latest Ofsted report	Website
Performance management policy and procedures adopted by the governing body	Website
The school's future plans	Website
Safeguarding and child protection	Website

Class 4 – How we make decisions

Description	How the information can be obtained
Admissions policy	Website
Agendas and minutes of meeting of the governing body and its committees	Hard copy

Class 5 – Our policies and procedures

Description	How the information can be obtained
Records management and personal data policies, including: Information security policies Records retention, destruction and archive policies Data Protection (including information sharing policies)	Website
Charging regimes and policies	Website

Class 6 – Lists and registers

Description	How the information can be obtained
Curriculum circulars and statutory instruments	Hard copy
Disclosure logs	Hard copy
Asset Register	Hard copy
Any information the school is currently legally required to hold in publicly available registers	Hard copy

Class 7 – The services we offer

Description	How the information can be obtained
Extra-curricular activities	Website
Out of school clubs	Website
School publications, leaflets, books and newsletters	Website and hard copy

7. Feedback and Complaints

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to the Headteacher.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. Contact details can be found at <https://ico.org.uk/>

Appendix 1

Freedom of Information and Environmental Information Regulations Act Guidance for Hertfordshire Schools

This document has been produced to help schools understand their responsibilities under Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). It is intended to be a starting point not a comprehensive guide. It is important that each school, as their own legal entity, does their own due diligence and ensures it complies with individual legislation. Detailed guidance and other materials for schools can be found on the Information Commissioner's Office website: (FOIA) - <https://ico.org.uk/media/for-organisations/guide-to-freedom-of-information-4-5.pdf>

(EIR) - <https://ico.org.uk/media/for-organisations/guide-to-the-environmental-information-regulations-2-3.pdf>

Jargon:

There is some legislation- specific terminology which you need to understand to deal with requests effectively.

Environmental Information – EIRs apply to information which relates to the environment and factors affecting the environment including the built environment and human health. This means that requests relating to building extensions or external repairs; use of playing fields; children taking part in PE and vaccination programmes for example should all be considered under EIR,

Exemption/Exception – a lawful reason to withhold information. FOIA refers to these as Exemptions and EIR as Exceptions. It is important to use the right set for the information which has been requested.

Absolute exemptions only occur in FOIA and the exemption does not have to be further justified, e.g. Requests for personal data of staff, pupils or parents.

Qualified exemptions, the refusal to disclose, has to be subject to a Public Interest in disclosure test in which you balance the arguments for and against disclosure, this should form part of your response if you are withholding information n.b. All EIR exceptions are subject to a Public Interest test.

Fees Regulations – Public authorities are entitled to charge for responding to a request **where the cost for responding exceeds £450** (this is based on 18 hours work @ £25.00 per hour – this rate is charged regardless of whether the work is done by a member of staff paid more or less than this amount.)

They are also entitled to **recover costs** for providing hard copy or postage if the requester has specified hard copy by post. These charges are set

within the Fees Regulations associated with the Acts and reference should be made of these charges in the school's publication scheme.

Internal Review – If a requester complains about the way a request has been handled (taken too long, information withheld etc.) the first stage of complaint FOI and EIR Guidance for Schools - V1 FINAL - January 2016 Page **2** of **5** is back to the school/public authority for re-consideration. This is your chance to ensure you have got it right. You may want to take legal or other advice if you haven't previously.

Public Interest – The public good (not what the public might be interested in) e.g. it **is** in the public interest that publicly funded bodies are transparent about how the money they are responsible for is spent. But it is **not** in the public interest to identify the exact salary point of an individual member of staff because the public interest in observing the requirements of the Data Protection Act is greater. It **might** be in the public interest to release information about the remuneration of a School Head if the school's performance has significantly deteriorated but performance related payments have still been paid and the Head's spouse is chair of the remuneration committee.

Time limits – Usually requests should be responded to as quickly as possible and at the latest within 20 working days of receiving it to provide a response to a request for information. However Schools have additional provisions which apply when a request is sent during the school holidays which allow you to start the clock on a school working day – i.e. the first day the staff are in, so INSET /Training days count. Other time extensions are only granted in specific circumstances which are referred to below.

Introduction to the Legislation

Since 1st January 2005 all requests for information received by a public authority, which includes all maintained schools, have to be answered in accordance with the FOIA or EIR.

The only exception will be an individual's request for their own personal data (Subject Access Request) which must be handled under the Data Protection Act 1998. If you receive such a request, information on this subject can be found at the following link:

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6-rights/subject-access-request/>

Identifying an FOI or EIR request

Any correspondence you receive could include a request for information, similarly a verbal request for environmental information would need to be considered. For an FOI to be valid it must have been received in writing but an EIR can be made verbally.

To be valid, requestors need to give the name of the applicant and an address for the response which can just be e-mail address. It must include a description of the information required. The requester does not need to mention either Freedom of Information Act or Environmental Information Regulations by name.

What information is subject to the FOI Act and EIRs? FOI and EIR Guidance for Schools - V1 FINAL - January 2016 Page **3** of **5**

All recorded non-personal information held by, or on behalf of, the school is within the scope of the Acts. The legislation applies regardless of the age, format, origin or classification of information. It covers files, letters, databases, loose reports, e-mails, office notebooks, videos, photographs, wall charts and maps etc. It includes closed files and archived material as well as information in current use.

Both FOIA and EIRs provide an entitlement to information rather than documents, although the information requested will often consist of a document, but can extend to others such as database content, microfiche or photograph.

It is not necessary to create new information in order to answer a request, even if this can be easily done from other information that is held. However, you will need to provide the requestor with advice and assistance so that they may understand what information is held and could be requested.

Also it is important to remember that in addition to information that is produced by your school, the legislation applies to information that your school may have received from other organisations. This could include other schools, public authorities, companies and members of the public.

Before deciding whether information from another organisation should be released you should consult them about whether they believe any harm will be caused to them from disclosing the information. Their opinion will be important in deciding whether information should be released, but the final decision on whether to release or withhold information rests with your school as you hold the information.

Requests which are not for recorded information, but instead ask for opinions, such as "please explain your policy on" or "please explain your decision to do" are **not** requests for recorded information and therefore should be treated as routine correspondence and responded to in line with your school policy.

Key duties

There are many similarities between both the Legislations. It is possible that in some cases both regimes will be relevant. If you are dealing with a mixed request, it is essential to be clear which parts of the information fall under which regime so as to apply the correct exemption or exception if information has to be withheld. If in ANY doubt seek advice, some organisations have had to release information they could have withheld if they had made their case in relation to the correct legislation. Requests should always be acknowledged.

Key duties: FOIA

Under the FOIA there is a requirement to provide a response promptly and within 20 working days (that is the number of days the school is open, including INSET days and does not include school holidays or closures). This

can be extended by up to 10 working days if you are considering arguments about withholding data under a **qualified exemption**.

Key duties: EIR

One key point to note is that any request for “environmental information” must be answered in accordance with the EIRs rather than the FOIA. FOI and EIR Guidance for Schools - V1 FINAL - January 2016 Page **4** of **5** EIR also require requests to be answered within 20 working days but there is provision to extend the response time to 40 working days, but only if the request is proving to be complex and voluminous in nature.

Applying exemptions and the public interest test

Both the FOIA and EIR provide a right of access to official information. The disclosure of information should therefore be the default attitude when requests are being considered and the requested information should be released wherever possible. However, it would obviously not be appropriate for all information to be made public and some information should be kept private, if supported by good reasoning and endorsed as exempt from release by the relevant legislations. Even when information is subject to an absolute exemption it is important to ensure that the decision to use an exemption is valid, as this may be contested.

Even if an exception or a qualified exemption applies, the public interest in withholding the information has to outweigh the public interest in releasing it, if information is to be withheld.

In some cases this will be a straightforward decision and in some it will not be so clear cut. This assessment will essentially be a matter of judgement on a case by case basis and is best made by the staff, familiar with the subject matter, legal advice on specific cases can be provided by the Schools Helpline. Where commercial interests are involved, consult those affected and use this to help decide the public interest.

Factors which would help public understanding and debate on a key policy proposal or decision; or promote accountability and transparency about a particular decision, should be considered in favour of disclosure as part of this process.

When a qualified FOIA exemption or any EIR exception is cited, the balance of factors for and against disclosure must be explained in your reply to the applicant.

Disclosing information

Should it be necessary to provide documents, before releasing information you must be satisfied that you have the necessary authority to do so. This is especially important if information proposed for release is marked as “confidential” or “restricted” in accordance with the Central Government scheme or, if the material came from some other body, or was produced under the terms of a contract or other legally binding arrangement. In general, you will have the following options when releasing information:

- If it is not necessary to claim any exemptions and the whole document is relevant to the request, release it in its entirety.

- If sections of the document are exempt, redact (remove thoroughly) these sections and release the remainder. You should make a note of any redactions with the exemption(s)/exception(s) that apply to each.
 - If redaction would make the document incomprehensible or if the relevant information is contained within a small section of one or more documents, assemble into a readable format such as a digest.
- FOI and EIR Guidance for Schools - V1 FINAL - January 2016 Page **5** of **5**
Any reasoning for withholding information must be clearly explained to the requestor and as a minimum you will need to identify a specific exemption/exception as the basis for withholding information and explain why it applies.

When information is refused, the applicant must be informed of the right to appeal, initially via your internal review process and then to the Information Commissioner

Complaints in relation to the handling of requests

It is good practice to have a process in place to deal with complaints and internal reviews. Where possible, the review should be independent and handled by a different person to the one who dealt with the original request. Requestors may appeal on grounds of the following:

- The response took longer than 20 working days.
- Information was withheld and they believe that the exemptions or exceptions have been wrongly applied.
- The calculation of costs contravenes the Fees Regulations.
- The public authority has mishandled the request.

If the requestor is unhappy with the internal review decision they can then complain to the Information Commissioner, who will consider the complaint and seek evidence from both parties to support their arguments. The ICO will seek to get a resolution informally where possible, but can issue a Decision Notice based on their findings. The Decision Notice can either order your school to disclose some or all of the information, or decide that information was correctly withheld.

If either party is dissatisfied with the Information Commissioner's Decision Notice, they have the right to appeal to the Information Tribunal. The Information Tribunal is responsible for hearing appeals under the FOI Act, the EIRs and the Data Protection Act. If you wish to take a case to Tribunal seek legal advice.

Schools Helpline can be contacted on 01992 555520.