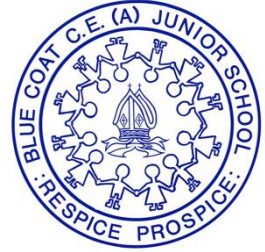




# **THE BLUE COAT CHURCH OF ENGLAND (AIDED) INFANT AND JUNIOR SCHOOLS' FEDERATION**

***BELIEVING, CELEBRATING, SUCCEEDING***

**EXECUTIVE HEAD TEACHER: MR A. ORLIK**



## **Freedom of Information Act 2000. Federation Policy**

### **1. Introduction**

Blue Coat Junior Federation is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

### **2. Background**

The Freedom of Information Act 2000 (Fol) came fully into force on January 1 2005. Under the Act, any person has a legal right to ask for access to information held by the Federation. They are entitled to be told whether the Federation holds the information, and to receive a copy, subject to certain exemptions.

The information which the Federation routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the Federation holds are covered by the Act. The DfE has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide schools on how long they should keep school records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under Fol can be addressed to anyone in the Federation; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply.



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There is no need to collect data in specific response to an FoI enquiry. There is a time limit of 20 days excluding school holidays for responding to the request.

If a qualified exemption applies and we need more time to consider the public interest test, we should reply within the twenty days stating that an exemption applies but include an estimate of the date by which a decision on the public interest test will be made. This should be within a reasonable time- in practice, it is recommended that normally this should be within 10 working days.

For further information and guidance, see the DfE “Freedom of Information Act 2000 – A Guide for Maintained Schools on Full Implementation from January 2005.” This can be found on [Teachernet](#), under Freedom of Information in the A-Z of School Leadership.

### 3. Scope

The FoI Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the Federation.

Requests for personal data are still covered by the Data Protection Act. (DPA). Individuals can request to see what information the Federation holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety. For example queries about chemicals used in the school or on school land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FoIA, but unlike FoIA requests, they do not need to be written and can be verbal.

If any element of a request to the Federation includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FoIA, and must be dealt with accordingly.

### 4. Obligations and Duties

The Federation recognises its duty to

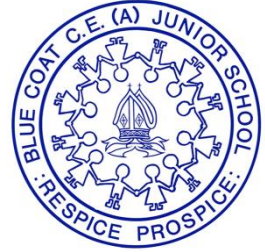
- provide advice and assistance to anyone requesting information. *We will respond to straightforward verbal requests for information, and will*



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*help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.*

- Inform enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the Data Protection Policy the Federation holds.
- Our Governing Body has chosen to charge a fee for complying with a request for information. This fee will be calculated according to FOI regulations and the person will be notified of the charge before the information is supplied. The Governors of Blue Coat Federation will follow DFE recommendations and respond to straightforward enquiries free of charge but charge where the costs are significant.

## 5. Publication Scheme

Blue Coat Federation has adopted the Model Publication Scheme for Schools approved by the Information Commissioner.

## 6. Dealing with Requests

Requests under the FOIA should be addressed to Executive Headteacher. To help the Federation process requests quickly, any correspondence should be clearly marked Freedom of Information.

The Federation will respond to straightforward verbal requests for information and will help enquirers to put more complex verbal requests into writing so that they can be handled under the FOIA.

Blue Coat Federation recognises its duty to tell enquirers whether or not it holds the information they are requesting (the duty to confirm or deny) and provide access to the information the Federation holds.

The Federation will have 20 working days from the receipt of the request to respond

## 7. Exemptions

**There are two general categories for exemptions:**

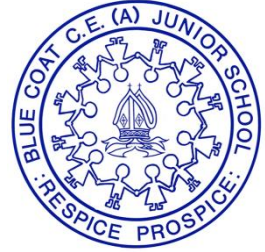
- Absolute, where there is no obligation to confirm or deny the information is held, disclose the information or consider the public interest test.



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- Qualified where, even if an exemption applies, there is a duty to consider the public interest test.

### **Applying the Public Interest Test:**

- Once it has been established that a qualified exemption applies to a request, Blue Coat Federation will apply the public interest test to establish whether the public interest in applying the exemption outweighs the public interest in disclosing it.

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

### **8. Charging**

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450

If the estimated cost of complying exceeds the threshold we are not required to comply with the request but may choose to do so. If we choose to comply with a request where the estimated cost exceeds the threshold we should calculate the charge as follows:

10% of the prescribed cost for the first £450+ the prescribed costs over £450+ the disbursements.

Where two or more requests are made to the Federation by different people who appear to be acting together or as part of a campaign the estimated cost of complying with any of the requests is to taken to be the estimated total cost of complying with them all, provided that:

- a) the two or more requests referred to in that section are for information which is on the same subject matter or is otherwise related.
- b) The last of the requests is received by the Federation before the twentieth working day following the date of receipt of the first of the requests and
- c) It appears to the Federation that the requests have been made in an attempt to ensure that the prescribed costs of complying separately with each request would not exceed the statutory maximum.

### **9. Responsibilities**

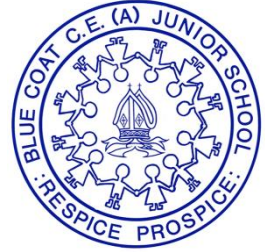
The day to day responsibility of FoI will be with Mr A Orlik, Executive Headteacher.



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The above individual will ensure that all staff are made aware of this policy and the process by which requests for information will be met. They also have day-to-day responsibility for FOIA policy and the provision of advice, guidance, publicity and interpretation of the Federation's policy.

### **10. Complaints**

Any comments or complaints will be dealt with through the Federation's normal complaints procedure.

We will aim to determine all complaints within 5 working days of receipt. We will publish information on our success rate in meeting this target. The Federation will maintain records of all complaints and their outcome.

If on investigation the Federation's original decision is upheld, then the Federation has a duty to inform the complainant of their right to appeal to the Information Commissioner's office.

Appeals should be made in writing to the Information Commissioner's office. They can be contacted at:

FOI/EIR Complaints Resolution  
**Information Commissioner's Office**  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF