

Penywaun Primary School



Freedom of Information Policy

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FREEDOM OF INFORMATION ACT 2000

SUMMARY

Section 19 of the Freedom of Information Act 2000 places a requirement on all public authorities to produce a publication scheme, to publish the existence of the publication scheme and to publish the classes of information contained in the scheme.

All maintained schools in England and Wales (within the meaning of the School Standards and Framework Act 1998) are classed as public authorities under paragraph 52 of Schedule 1 to the Act and are required to comply with the requirements of the Act.

The requirement to produce a publication scheme has been brought into effect in a staged way. All maintained primary, secondary and special schools are required to have a publication scheme in place by 29 February 2004. The date for compliance by maintained nursery schools in Wales is 30 June 2004.

The Freedom of Information Act 2000 allows the development of a model publication scheme for use by a sector - in this case schools - subject to the approval of the Information Commissioner, rather than each public authority (school) being required to produce its own individual scheme.

In order to reduce the burden on schools to produce individual publication schemes, the Welsh Assembly Government has been working with the Information Commissioner's Office and the Department for Education and Skills to produce a model publication scheme for maintained primary, secondary and special schools that they can adopt with minimum effort.

This document explains the background to the Freedom of Information Act 2000 requirements and the implications for schools and provides a model publication scheme for maintained primary, secondary and special schools to adopt, together with explanatory notes to assist schools with adopting the model scheme and understanding what further action is required to comply with the requirements of the Act.

Section I: Introduction

I.1 A key manifesto commitment of the UK Government elected in 1997 was to introduce new legislation on access to information held by public bodies. The passing of the Freedom Information Act in 2000 largely completed the complex framework of legislation limiting the powers of public authorities to withhold information from the public. Decisions on disclosure have to be made in future on a presumption of openness, but recognising the need to preserve confidentiality and protection of sensitive material.

I.2 The Freedom of Information Act 2000 takes effect in two stages:

- ✓ *publication schemes* - the provisions to make information available via a publication scheme are being phased in by type of authority. This started with central government in December 2002. Educational establishments, including schools, have until 29 February 2004 to comply, with the exception of maintained nursery schools which have until 30 June 2004;
- ✓ *access rights* - the provisions dealing with the legal right to make enquiries and be informed if information is held and, if no exemptions to disclosure apply, to be sent the information, will take effect in January 2005 for all types of authority.

I.3 This document is concerned **only** with the requirement for all maintained primary, secondary and special schools (within the meaning of the School Standards and Framework Act 1998) to produce publication schemes by 29 February 2004. It is the intention of Welsh Assembly Government to produce guidance for schools on how to deal with requests for information under the Freedom of Information Act 2000 from January 2005 in due course.

I.4 A model publication scheme for maintained nursery schools in Wales is being produced separately.

Section 2: Legal Background

Publication Schemes

2.1 The legal requirement for public authorities to produce publication schemes is set out in Section 19 of the Freedom of Information Act 2000, which provides that:

(1) It shall be the duty of every public authority -

- (a) to adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the Commissioner,*
- (b) to publish information in accordance with its publication scheme, and*
- (c) from time to time to review its scheme*

(2) A publication scheme must -

- (a) specify the classes of information which the public authority publishes or intends to publish,*
- (b) specify the manner in which information of each class is, or is intended to be, published, and*
- (c) specify whether the material is, or is intended to be, available to the public free of charge or on payment.*

(3) In adopting or reviewing a publication scheme, a public authority shall have regard to the public interest -

- (a) in allowing public access to information held by the authority, and*
- (b) in the publication of reasons for decisions made by the authority.*

(4) A public authority shall publish its publication scheme in such manner as it thinks fit.

(5) The Commissioner may, when approving a scheme, provide that his approval is to expire at the end of a specified period.

(6) Where the Commissioner has approved the publication scheme of any public authority, he may at any time give notice to the public authority revoking his approval of the scheme as from the end of the period of six months beginning with the day on which the notice is given.

(7) Where the Commissioner -

*(a) refuses to approve a proposed publication scheme, or
(b) revokes his approval of a publication scheme,
he must give the public authority a statement of his reasons for doing so.*

2.2 A publication scheme is a means by which public authorities can make a significant amount of information available routinely. The requirement to produce a scheme encourages authorities to be proactive in publishing material. A publication scheme is essentially a catalogue of information that an authority undertakes to make available to the public and states how it can be accessed and whether it is free or priced.

The Publication Scheme and Schools

2.3 Paragraph 52 of Schedule 1 to the Freedom of Information Act 2000 lists the governing body of a maintained school in England and Wales, within the meaning of the School Standards and Framework Act 1998 (as amended by the Education Act 2002 which includes a requirement for nursery schools to have governing bodies), as a public authority within the terms of the Act.

2.4 Each governing body is regarded as a public authority in its own right under the Act and as such is required to produce a publication scheme. However, the Act allows the development of a model publication scheme for use by a sector - in this case schools - subject to the approval of the Information Commissioner, rather than each public authority (school) being required to develop its own individual scheme.

2.5 To reduce the burden on schools to develop individual publication schemes, the Welsh Assembly Government has been working with the Information Commissioner's Office and the Department for Education and Skills to produce a model publication scheme for maintained primary, secondary and special schools. Provided individual schools adopt the model scheme without changing it (except for the permitted changes), then no further approval by the Information Commissioner is required. The draft Model Publication Scheme is at Section 3 of this document, together with explanatory notes to assist schools with adopting the model scheme and understanding what further action is required to comply with the requirements of the Act at Section 4.

2.6 It is open to schools to choose not to adopt the model publication scheme and to produce a bespoke scheme if they so wish. Any bespoke schemes require the express approval of the Information Commissioner (see Section 10.3 of the Explanatory Notes for details on obtaining further information on producing a bespoke scheme).

Timing

2.7 Maintained primary, secondary and special schools are required to have a publication scheme in place (either the model or a bespoke one) by 29 February 2004 in order to comply with the requirements of the Freedom of Information Act 2000.

2.8 Maintained nursery schools in Wales will not be required to comply with the provisions of the Act until 30 June 2004. A separate model scheme is being developed for maintained nursery schools.

Publication Scheme Availability

2.9 Producing a publication scheme, whether the model one or a bespoke scheme, will not in itself fulfil a school's obligations under the Act. Governing bodies are required to make their publication scheme available and publish information in accordance with that scheme. In producing a publication scheme, schools are committing themselves to publishing the information described by the categories of information ('classes of information') in that scheme.

2.10 The format in which a publication scheme should be made available and the classes of information to which it refers as 'published' are not specified in the Act. Providing access 'online', via the public authority's website, is an obvious way of 'publishing' information but schools should bear in mind that not everyone has access to the internet. Details of where hard copies of the information can be obtained should be included with a single point of contact.

Guidance

2.11 Draft explanatory notes to accompany the model publication scheme, to help schools with adopting the model scheme and to assist with what they must do next are at Section 4 of this document, including contact details for obtaining further information on producing a bespoke scheme (see Section 10.3 of the Explanatory Notes).

Notification of the adoption of the Model Publication Scheme

2.12 The Information Commissioner's Office has, since consultation on the draft model publication scheme, decided that it does **not** wish to be notified by schools that they have adopted the model scheme. Provided schools do not alter or amend the model scheme in any way (except for the permitted changes), there is no requirement to submit the model scheme to the Information Commissioner for approval or to notify the Information Commissioner that they have adopted it.

Section 3: Model Publication Scheme

This is Penywaun Primary School's Publication Scheme

*Our full title and address for sending requests for any documents is: **Penywaun Primary School, Coed Glas, Penywaun, Aberdare CF44 9DR***

*The person responsible for maintenance of this scheme is: **Mr C Prichard***

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 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. 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 5 of this scheme.

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

- ✓ **School Prospectus** - information published in the school prospectus.
- ✓ **Governors' Documents** - information published in the **Governors' Annual Report** and in other governing body documents.
- ✓ **Pupils & Curriculum** - information about policies that relate to pupils and the school curriculum.
- ✓ **School Policies** - information about policies that relate to the school in general.

3. How to request information

You can request a copy of the information you want from the contact detailed below or visit our website at <https://sites.google.com/abercanaid.merthyr.sch.uk/abercanaidcommunityschool/home>

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

Email: admin@penywaunprimary.rctcbc.cymru

Tel: **01685 661005**

Contact Address: **Penywaun Primary School, Penywaun, Aberdare, RCT CF44 9DR**

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

4. Paying for information

Single copies of information covered by this publication scheme are provided free unless stated otherwise. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos, we will let you know the cost before fulfilling your request. Where there is a charge for a particular item this is indicated in the boxes in Section 5 by a £ sign following the description of the item.

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.

5. Classes of Information Currently Published

School Prospectus - this section sets out information published in the school prospectus.

Class	Description
School Prospectus	<p>The statutory contents of the school prospectus are as follows, (other items may be included at the school's discretion):</p> <ul style="list-style-type: none"> ✓ The name, address and telephone number of the school, and the type of school. ✓ The names of the headteacher and chair of governors. ✓ Information about admissions. ✓ A statement of the school's ethos and values. ✓ Details of any affiliations with a particular religion or religious denomination, the religious education provided, parents' right to withdraw their child from religious education and collective worship and the alternative provision for those pupils. ✓ Information about the school's policy on providing for pupils with special educational needs. ✓ Number of pupils on roll and rates of pupils' authorised and unauthorised absences. ✓ National Curriculum assessment results for appropriate Key Stages, with national summary figures. ✓ Use of the Welsh Language.

Governors' Annual Report and other information relating to the governing body - this section sets out information published in the Governors Annual Report and in other Governing Body documents.

Class	Description
Governors' Annual Report	<p>The statutory contents of the governors' annual report to parents are as follows, (other items may be included at the school's discretion):</p> <ul style="list-style-type: none"> ✓ details of the governing body membership, including name and address of chair and clerk. ✓ a statement on progress in implementing the action plan drawn up following an inspection. ✓ a financial statement, including gifts made to the school and amounts paid to governors for expenses. ✓ information about school security. ✓ information about the implementation of the governing body's policy on pupils with special educational needs (SEN) and any changes to the policy during the last year. ✓ a description of the arrangements for the admission of pupils with disabilities; details of steps to prevent disabled pupils being treated less favourably than other pupils; and details of existing facilities to assist access to the school by pupils with disabilities. ✓ the accessibility plan covering future policies for increasing access by those with disabilities to the school (<i>from April 2004</i>). ✓ how teachers' professional development impacts on teaching and learning. ✓ number of pupils on roll and rates of pupils' authorised and unauthorised absence.

- ✓ National Curriculum assessment results for appropriate Key Stages, with national summary figures.
- ✓ the school's targets for Key Stage 2/Key Stage 3 assessments [Primary & Secondary].

Instrument of Government

- ✓ The name of the school.
- ✓ The category of the school.
- ✓ The name of the governing body.
- ✓ The manner in which the governing body is constituted.
- ✓ The name of any person entitled to appoint any category of governor.
- ✓ Details of any trust.
- ✓ If the school has a religious character, a description of the ethos of the school.
- ✓ The date the instrument takes effect.

Minutes [\[1\]](#) of meeting of the Governing Body and its committees

Minutes from governors board and committee meetings

Pupils & Curriculum Policies - this section gives access to information about policies that relate to pupils and the school curriculum.

Class	Description
Home - school agreement	Written statement of the school's aims and values, the school's responsibilities, the parental responsibilities and the school's expectations of its pupils for example homework arrangements.
Curriculum Policy	Statement on following the policy for national curriculum subjects, including any syllabus followed by pupils at the school.
Collective Worship	Statement of arrangements for the required daily act of collective worship.
Pupil Discipline	Written statement of general principles on behaviour and discipline including any anti bullying policy as appropriate.

School Policies - This section gives access to information about policies that relate to the school in general.

Class	Description
Reports of Estyn School	Report of an inspection of the school and the summary of the report.

Inspections under Sections 10 and 23 of the School Inspections Act 1996	
Post Inspection action plan	A plan setting out the actions required following an Estyn inspection.
Charging and remissions policies	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging of which charges are permitted, for example music tuition, trips.
School session times	Details of school session and dates of school terms and holidays.
Special Education Needs	Information about the school's policy on providing for pupils with special educational needs.
Accessibility Plans	Written plan of improvements to access for pupils with disabilities (<i>from April 2004</i>).
Health and Safety Policy	Written statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy.
Child Protection Policy	Statement of general principles on Child Protection arrangements (<i>from March 2004</i>).
Complaints procedure	Statement of procedures for dealing with complaints.
Staff Appraisal	Statement of procedures adopted by the governing body relating to staff appraisal.
Staff Conduct, Discipline and Grievance	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance.

6. 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 need to make a complaint then initially this should be addressed to the Head Teacher.

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. They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Enquiry/Information Line: 01625 545 745

E-mail: publications@ic-foi.demon.co.uk

Some information might be confidential or otherwise exempt from the publication by law - we cannot therefore publish this

Penywaun Primary School - Publication Scheme

ANNEX A - Other documents held by the School

Section 4: Explanatory Notes

1. The Freedom of Information Act 2000

1.1 The Freedom of Information Act received Royal Assent on 30 November 2000. The primary object of the legislation is to confer a right on individuals to obtain disclosure of information held by public bodies, including schools, rather than leaving them to confer access to the information they hold as a favour. This is achieved in two ways:

- ✓ *Publication schemes* - by imposing on public authorities a positive duty to make information available through the publication of schemes setting out what information they hold and how/where the information is available to an interested individual.
- ✓ *Access rights* - by giving the individual who makes a request for information the right to be told whether the body holds such information, and if it does, the right to have that information communicated to him. This individual right of access to information will be brought into force for all public authorities (including schools) in January 2005.

2. Model Publication Schemes

2.1 The Information Commissioner has power to approve 'model' publication schemes for particular classes of public authority, including schools.

2.2 A model publication scheme has been approved by the Information

Commissioner for the governing bodies of maintained primary, secondary and special schools. A separate model scheme is being developed for maintained nursery schools.

2.3 A publication scheme is essentially a guide to information that a public body commits to make available to the public and states how it can be accessed (eg paper, online) and whether it is available free or at a charge.

2.4 These notes are aimed to help schools; they explain the steps schools need to take in order to adopt the scheme. Having adopted the model scheme your school will then be obliged to publish the information set out in it.

2.5 The model scheme was developed jointly by Welsh Assembly Government, the Department for Education and Skills and the Information Commissioner's Office.

2.6 Is the model publication scheme appropriate for your school? The Freedom of Information Act 2000 defines the public authorities that are covered by the Act and so are required to adopt and maintain a publication scheme. All maintained schools (within the meaning of the School Standards and Framework Act) are covered by the Act and by adopting the model scheme schools will meet the requirements of the Act. However, if schools wish to, they may submit a 'bespoke' scheme for approval by the Information Commissioner which better caters for your school's individual circumstances. Any bespoke schemes however require the express approval of the Information Commissioner. The procedure your school should follow in producing a bespoke scheme is detailed in

the Information Commissioner's booklet: *Publication Schemes - Approval Documentation and Guidance & Methodology*. Information on obtaining this booklet is set out in Section 10.3 of these explanatory notes.

3. The Model Publication Scheme for Schools

3.1 The model scheme has been developed in a way that should enable schools to produce a scheme by inserting minimal information. If a school decides to adopt the model scheme they **do not** need to send it to the Information Commissioner for approval or notify the Information Commissioner that they have adopted the model scheme provided it has not been altered, **except** to:

- ✓ insert all contact and school details;
- ✓ insert details of website address, where appropriate;
- ✓ insert a £ sign in the description box (after the description of the document) where a charge may be incurred for an item;
- ✓ primary schools should delete references to any documents that relate to secondary schools only;
- ✓ list any additional documents in Annex A (see paragraph 3.2 below).

3.2 Schools will wish to note that the annex to the model scheme entitled '**Annex A - Other documents held by the School**' allows a school to list other documents that the school publishes eg information about community activities at the school, PTA activities etc, in the annex **without** having to seek specific approval from the Information Commissioner for a bespoke publication scheme. Schools should note that listing documents/publications etc in Annex A commits them to publishing all the information listed over and above that included in the model scheme.

3.3 To adopt the model scheme and comply with the FOI requirements, the steps your school needs to take are:

- ✓ Adoption of the model scheme by the governing body.
- ✓ Complete the model scheme as set out in paragraph 3.1 above.
- ✓ Publish the scheme - see Section 5 (How should the information be made available?) of these explanatory notes.
- ✓ Make the information included in the publication scheme available on request - schools may want to review their record management system to help respond to any request.

3.4 A flowchart of the steps that need to be taken is attached to these explanatory notes.

3.5 Schools **may not** make any changes or adaptations to the model scheme (except those indicated in paragraph 3.1 above) without submitting the revised scheme to the Information Commissioner for express approval.

4. The Categories of Information

4.1 The categories of information ('classes') are contained in Section 5 of the model scheme. Schools must include details of what format the information will be published in, how the information can be obtained and whether it will be provided free of charge or for a fee.

4.2 What will adopting the model publication scheme commit a school to do? Simply completing a copy of the model scheme does not in itself fulfil a school's obligation under the Act in relation to publication schemes. A school has to make its publication scheme available and publish information in accordance with that scheme. By adopting the model scheme, your school is committing itself to publishing the information described. As new information is produced which falls within a class definition, it should be prepared for publication and made available.

4.3 Schools are required to have a publication scheme in place by 29 February 2004, except for maintained nursery schools which have until 30 June 2004 to comply. The Welsh Assembly Government intends to issue further guidance to schools covering how to respond to requests for information not set out in your publication scheme from January 2005.

5. How should the information be made available?

5.1 The model publication scheme provides scope for a school to publish information in a variety of ways. It is expected that unless schools state otherwise the information will be in the form of paper. However schools may wish to make information available on their website and the model scheme contains optional text in square brackets for this purpose.

5.2 Where information is available on a website the Information Commissioner will still expect hard copies to be made available on request as not everyone has access to the internet.

5.3 There is no express requirement in the Freedom of Information Act for public bodies to make information available in any language other than that in which the document was created. Schools will however want to ensure accessibility to the information and to conform with existing legal requirements eg Disability Discrimination legislation etc. Schools must comply with Welsh Language Scheme requirements.

5.4 The Freedom of Information Act aims to develop a culture of openness amongst

public authorities. Schools should raise awareness of the existence and contents of the publication scheme, among the general public and parents in particular. Schools can do this through the Governors' Annual Report, through a paragraph in their newsletter and on their website if they have one. Schools may find the following paragraph helpful in meeting the requirements of the Freedom of Information Act:

"The Freedom of Information Act requires publicly funded bodies, including schools, to be clear about the information they publish. We have produced a publication scheme setting out all the information we publish

on a regular basis and where to find it. Ask the school office to let you see the publication scheme or provide you with a copy free of charge."

6. Freedom of Information and the Data Protection Act

6.1 Personal information is exempt under the FoI Act. However individuals may continue to make a 'subject access request' under the Data Protection Act. If a request is made for a document eg governing body minutes which contains personal information, the minutes may be issued by blanking out the relevant personal information.

7. Fees

7.1 It is expected that schools will make all items available to the public free of charge or in line with their existing charging policy. If a school is making available a priced item such as printed publications, videos and bound information then a charge may be levied for that item. Where a school has decided that there is a charge for an item, this **should be annotated with a £ sign in your publication scheme after the description of the item**. If the request requires a lot of photocopying or large postage costs a school will need to make clear to enquirers that there could be a handling charge in line with any existing policy on charging.

8. Time for Compliance with Requests for Information under the Publication Scheme

8.1 There is no timescale set in the Freedom of Information legislation for public authorities to respond to requests for information via a publication scheme. However, as all the classes of information listed in a publication scheme should be routinely available, the Information Commissioner expects such requests to be dealt with promptly.

9. Duration of the Model Scheme

9.1 All publication schemes, including model schemes, will last for a specified period; this will initially be for a period of 4 years ending on 29 February 2008. **Schools are not required to notify the Information Commissioner that they have adopted the model scheme provided it has not been altered in any way (except for those changes set out in paragraph 3.1 above)**. It is expected that the Information Commissioner will contact schools approximately 5 months prior to the expiry date of model publication schemes in order to clarify the arrangements for the preparation of new schemes.

9.2. If schools submit a bespoke publication scheme the Information Commissioner will advise your school whether it has been accepted and confirm the date on which it will expire.

10. Further Help and Assistance

10.1 For further information about the way in which this model scheme was developed, or its contents please contact:

Mrs Lyn Summers, Schools Management Division, Department for Training and Education, Welsh Assembly Government, Crown Building, Cathays Park,

CARDIFF CF10 3NQ

Tel 029 20825959

E-mail Lyn.Summers@wales.gsi.gov.uk

10.2 General queries about the Freedom of Information Act, publication schemes, the submission and approvals process or the subsequent operation of the publication scheme once adopted should be addressed to the FOI Compliance Team at the Information Commissioner's Office (contact details at paragraph 10.3 below).

10.3 To submit a bespoke scheme you should follow the procedure detailed in the

Information Commissioner's booklet: *Publication Schemes - Approval Documentation and Guidance & Methodology*. This booklet is available on the Information Commissioner's website: www.informationcommissioner.gov.uk or by contacting:

Information Commissioner's Office, Wycliffe House, Water Lane, WILMSLOW

Cheshire SK9 5AF

Enquiry/Information Line: 01 625 545 745

E-mail: publications@ic-foi.demon.co.uk

Freedom of Information Model Publication Scheme

Flowchart – steps required to adopt model

