



Peartree Way Nursery School

Freedom of Information / Publication Scheme Statutory Policy

Version	1.0
Based on Model Policy	ICO Model Publication Scheme for Schools / DPO Service
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Version	Date	Notes
V1.0	April 2024	New policy

Peartree Way Nursery School is committed to:

- Safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.
- Eliminating discrimination, advancing equality of opportunity and fostering good relations between different groups. These factors were considered in the formation and review of this policy and will be adhered to in its implementation and application across the whole school community.
- Promoting the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs: any school member or visitor expressing opinions contrary to fundamental British Values, including 'extremist' views, will be actively challenged.

'Friendship, Fun and Learning for Life'

Peartree Way Nursery School, Peartree Way, Stevenage, Hertfordshire SG2 9EA

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1. Freedom of Information Act (FoIA)

Governing bodies are responsible for ensuring that schools comply with the Freedom of Information Act 2000 (FOI). Some aspects, such as charging are at the discretion of the governing body (see below).

It should be noted in view of the GDPR, any FOI requests from an individual for their own personally identifiable data is treated under GDPR as a Subject Access Request (SAR). The appropriate SAR form should be filled in with the request, for the attention of the Data Protection Officer.

Peartree Way Nursery School understands that the FoIA provides a general right of access to anyone to information held by the school, subject to certain conditions and exemptions (for example, personal information, information provided in confidence and some commercial information can be restricted), although the majority of exemptions are dependent on whether disclosure is in the public interest.

Peartree Way Nursery School 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. Guidance has been taken from the ICO (Information Commissioner's Office) which can be found at www.ico.org.uk

2. Background

The Freedom of Information Act 2000 (FOI) 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 school. They are entitled to be told whether the school holds the information, and to receive a copy, subject to certain exemptions.

The information which the school routinely makes available to the public is included in the Publication Scheme. Requests for other information, such as personally identifiable data is treated under GDPR as a Subject Access Request (SAR) and should be dealt with in accordance with the GDPR. 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 subject to Peartree Way Nursery School's Retention procedure as outlined in the GDPR policy which the school holds are covered by the Act. The DfES 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.

Although requests under FOI can be addressed to anyone in the school (and therefore all staff need to be aware of the process for dealing with requests), the Head Teacher must be made aware of all requests immediately. 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. 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 more time than this is needed to provide the information requested, the enquirer will be advised when the information can be expected.

Documents created and maintained by Peartree Way Nursery School in the course of its business are kept in accordance with the school's Data Records Management Policy.

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 school.

Requests for personally identifiable data is treated under GDPR as a Subject Access Request (SAR) and should be dealt with in accordance with the GDPR. Individuals can request to see what information the school 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 FOI, but unlike FOI requests, they do not need to be written and can be verbal.

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

4. Obligations and Duties

The school recognises its duty to:

- provide advice and assistance to anyone requesting information. We 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 Act.
- tell 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 procedures laid down in the request for handling information flow chart which can be found on the ICO website.

5. Publication Schemes

Pearlway Nursery School has adopted the Model Publication Scheme for Schools approved by the Information Commissioner. To do this we must produce a publication scheme, setting out:

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

- 1) School Prospectus - information published in the school prospectus and through the school website (School Handbook)
- 2) Governors' Documents - information published on the school website and in other governing body documents.
- 3) Pupils & Curriculum - information about policies that relate to pupils and the school curriculum.
- 4) School Policies and other information related to the school - information about policies that relate to the school in general.

Pear tree Way Nursery School's Publication Scheme

Information not generally available on the school website is marked as available as a hard copy. However, wherever possible, this will be delivered by email.

Information to be published. This includes datasets where applicable - please see "How to complete the Guide to Information".	How the information can be obtained
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only	
Who's who in the school	Website
Who's who on the governing body / board of governors and the basis of their appointment	Website
Instrument of Government	Hard Copy
Contact details for the Headteacher and for the governing body, via the school	Website
School prospectus	Website
Staffing structure	Hard copy ¹
School session times and term dates	Website
Address of school and contact details, including email address.	Website
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) Current and previous financial year	
Annual budget plan and financial statements	Hard copy
Capital funding	Hard copy
Financial audit reports	Hard copy
Procurement, contracts and projects the school has entered into	Hard copy

¹ Staff list is on Website

Pay policy	Hard copy
Staff allowances and expenses	Hard copy
Staffing, pay and grading structure	Hard copy
Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors.	Policy on website
Class 3 - What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current information	
Performance data supplied to the English Government (Not supplied to Government in Nursery unless this was to be specifically requested)	Hard copy
The latest Ofsted report	Website
Post-inspection action plan	Hard copy
Performance management policy and procedures adopted by the governing body.	Hard copy
The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status	Hard copy
Safeguarding and child protection policies	Website
Class 4 - How we make decisions (Decision making processes and records of decisions) Current and previous three years.	
Admissions policy/decisions (not individual admission decisions) - where applicable	Website / Hard copy
Agendas and minutes of meetings of the governing body and its committees. (NB this will exclude information that is properly regarded as private to the meetings).	Available on request from School Office Manager

Class 5 - Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only.	
Records management and personal data policies, including: <ul style="list-style-type: none"> • 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 Currently maintained lists and registers only (this does not include the attendance register). Available on request from School Office Manager	
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 (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only	
Services for which the school is entitled to recover a fee, together with those fees	Charging policy - Website
School publications, leaflets and newsletters	Website/ Hard copy
Additional Information This will provide schools with the opportunity to publish information that is not itemised in the lists above	

SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

Although in general there will be no charge for the information we provide, if the request is for actual paper copies and more than one document is requested or the request is for information from multiple years (and the information is not published on our website), the school may make a charge at the rate of £10 per hour based on time taken to collate the information for electronic delivery or for the making of hard copies. If a charge is to be applied, you will be informed of this when we respond to your initial request.

Hard copy, postal and other additional charges are listed below:

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying/printing @ .22p per sheet (black & white)*	Actual cost
	Photocopying/printing @ 2.16p per sheet (colour)*	Actual cost
	Paper	Actual cost at time of request*
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee		In accordance with the relevant legislation (quote the actual statute)
Other		

* the actual cost incurred by the public authority

6. Dealing with Requests

We will respond to all requests in accordance to the request for handling information flowchart which can be found on the ICO website. Please clearly mark any correspondence: "**PUBLICATION SCHEME REQUEST**" (which should also be the subject line of any request submitted by email). If the information you're looking for isn't available via the scheme, you can still contact the school to ask if we have it.

If you require a paper version of any of the documents within the scheme, please contact the school by telephone or email for the attention of the School Office Manager.

Please note a charge may be incurred for resources and time (see Schedule of Charges in Section 5 above).

7. Exemptions

Certain information is subject to either absolute or qualified exemptions. The exemptions guidance information is found on the ICO website.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

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. Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied.

For information on applying the Public Interest Test see the ICO website.

9. Charging

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

10. Complaints

Any comments or complaints will be dealt with through the school's normal complaints procedure. We will aim to determine all complaints within 10 days of receipt (excluding school holiday times). We will publish information on our success rate in meeting this target. The school will maintain records of all complaints and their outcome.

If on investigation the school's original decision is upheld, then the school 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

The Governing Body will review this policy statement annually.

11. Appendix A: ICO Model Publication Scheme Version 1.2 20151023



Freedom of Information Act

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make

the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.