De La Salle School

Freedom of Information Policy

De La Salle School is a Christian community, inspired by the vision and example of Saint John Baptist De La Salle, where each person is invited to become the person God intended him or her to be and to live a life of faith and love, following the example of Christ.

Last Update: March 2025
Ratified by Governors: 20th March 2025
Next Review: April 2028

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.

<u>The method by which information published under this scheme will be made available</u>

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.

Requirements for managing requests for information to comply with the Freedom of Information Act 2000 (FOI), the Environmental Information Regulations (EIR), the Data Protection Act 1998 (DPA) and from 25th May 2018 the General Data Protection Regulations 2016

Policy points are numbered. The numbering corresponds to explanations of 'why?' and 'how?' for each point further down the page.

What must I do?

For all types of request for Information:

1. ***MUST***: We must **correctly identify** the law which applies to the information being requested and manage the request in compliance with that law
2. ***MUST***: Information should be **released** unless there a strong legal justification for withholding it.
3. ***MUST:*** Whenever we **refuse** to provide information, we must clearly and fully explain the reasons why
4. ***MUST***: We must provide **advice and assistance** to people making a request.
5. ***MUST***: We must always try to **reply** as quickly as possible, but always within the legal deadline.
6. ***MUST***: All employees must promptly **provide** all relevant information to a request co-ordinator if asked for it
7. ***MUST***: If we decide to **charge** for information, we must do so in accordance with a published policy.
8. ***MUST***: Where reasonable and practical, we must provide the information in the **format** requested by the applicant.
9. ***MUST***: When we respond to a request, we must tell the requestor about our **internal review** process.
10. ***MUST***: When responding to a complaint, we must advise the requestor that they may **complain to the ICO** if they remain unhappy with the outcome.

Why must I do it?

1. The requestor does not have to specify under what legislation they are making a request. It is our responsibility to correctly identify which legislation applies.
2. We serve the public. We should not hide information from them. The Acts are intended to make us more accountable to the public, to make our processes more transparent, and to encourage the public to trust us. Information should be released unless we can strongly justify withholding it (embarrassment is not a sufficient reason to withhold information). In some cases, we may have to release non-personal information because it is in the public interest although it might otherwise have been considered exempt. Also, it is a legal offence to deliberately withhold or destroy requested information where there is no legal reason to do so.
3. We will not be obliged to provide all or part of the information requested if a legal justification applies. If we believe a reason does apply then we must help the public to challenge our decisions effectively by giving our reasons and doing so clearly and fully in line with the requirements of the Acts. This is a legal requirement.
4. The Acts require us to assist requestors, especially where we may be considering refusing a request, in guiding the public on how to clarify or re-scope their request to achieve the best outcome. This is a legal requirement.
5. The laws provide statutory deadlines for responding to a request; FOI & EIR – 20 working days, DPA – 40 calendar days (but 20 working days under GDPR from May 2018). There are limited reasons to extend the deadlines. The laws expect information to be well

managed and accessible, therefore there is an assumption that requests should be routinely responded to well in advance of the deadline.
6. In order to comply with regulator and corporate targets for fulfilling requests, all employees have a role to play in making information relevant to the request available promptly so that a response can be drafted within the timescale.
7. The laws require us to make clear the basis for charging to ensure that charges are fair and un-obstructive. We must tell requestors whether a charge applies before we provide the information and we should tell them what that charge will be.
8. The acts duty on us to provide information in a format that the requester would find most convenient to their needs. We may refuse unreasonable demands and charge in certain cases, but in principle the requestor should be able to receive the information in the way they specify.
9. It is a requirement of the act to have an internal review process. Where a requestor expresses dissatisfaction with a response, this must be treated as a complaint. The act states that expressing dissatisfaction is enough to require us to treat it as such. The ICO requires us to complete the internal review process before it will accept an escalation of a complaint to their office.
10. This is a statutory requirement.

How must I do it?

1. Follow guidance and training to correctly identify whether the request should be handled under FOI, EIR or DPA/GDPR.
2. By following the points of this policy and accompanying guidance and training
3. Ensure the employee making decisions about what can be released and drafting the response has access to legal guidance in order to make the response full and compliant with the law.
4. Discuss the likely response with the requestor if their request is likely to be refused and explain options that would help them receive as useful a response as possible within the limits of the law. Although we should not ask requestors what they intend to do with the information they have requested, we can explain what we do hold and what is likely to be disclosable to them.
5. We must record performance against the statutory deadlines to ensure we are aware of how well we are complying with the law and to help make changes to processes if necessary.
6. Make sure the information you manage is accessible and well structured so that you can retrieve it quickly when requested.
7. It is not lawful to charge for information without a published policy explaining the basis for arriving at a fee. In the absence of a published policy, charges are not made.
8. There must be strong prohibitive reasons not to provide information in a format that is within our ability to provide. Conversion to a new format is however different to having to significantly edit and rearrange information to make it legible in the format requested. Under the latter circumstances, a refusal may be valid but advice should be sought if unsure.
9. We choose to manage complaints (known as Internal Reviews) within 20 working days. Where a simple error has been made in the response it may be that the issue can be

resolved informally. If not, then a full review of how the request was handled is required. This must be undertaken by an employee who was not involved in drafting or approving the original request, although the employee drafting the response may discuss how the original request was handled with those involved.

10. Ensure that the contact details for the ICO are provided to the requestor on any response documentation and explain when it is appropriate to escalate a complaint the ICO in order to make requestors aware of their rights

What if I need to do something against the policy?

If you believe you have a valid business reason for an exception to these policy points, having read and understood the reasons why they are in place, please raise a formal request by contacting the Headteacher, Mr P Norris, pnorris@dlsbasildon.org 01268 281234

Document Control

Version: 1
Date approved:
Approved by:
Next review:

References

- ICO Model Scheme of Publication

Breach Statement

Breaches of Information Policies will be investigated and may result in disciplinary action. Serious breaches of Policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you.