



**Westminster Academy**

## Full Governing Body

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<b>Agenda item</b>		<b>Author</b>	Effat Rahimi- Kaloujeh/Leslie Boodram

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## Freedom of Information Policy

### Terms of reference

1. The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 (the “Act”) are adhered to within Westminster Academy (the “Academy”) and in particular that:
  - a significant amount of routinely published information about the Academy is made available to the public as a matter of course through the Publication Scheme;
  - other information not included in the Publication Scheme is readily available on request and such a request is dealt with in a timely manner; and
  - in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released.
2. This document will therefore define:
  - the duties imposed by the Act and how the Academy intends to discharge those duties;
  - responsibility for ensuring compliance;
  - complaints and appeals; and
  - the role of the Information Commissioner.

## Introduction

3. The Act came into force for all public bodies on 1 January 2005. It ushers in a new disclosure regime for accountability and transparency in decision making.
4. The Act imposes a duty:
  - to confirm or deny that the information requested is held; and
  - if the information is held, to communicate it to the applicant.
5. The Information Commissioner's Office is the independent regulatory authority for the Act, and the avenue of appeal for requests that have not been resolved to the applicant's satisfaction.
6. Anyone may make a request in writing for recorded information held by or on behalf of the Academy, and the Academy must comply promptly, and in any case ***within 20 working days***. Unless subject to one of 23 exemptions described by the Act, the information must be supplied.

## Roles and responsibilities

7. The Principal has overall responsibility for Freedom of Information in the Academy. Operational responsibility is delegated to the Director of Finance & Resources.
8. The Qualified Person for determining whether disclosure would be likely to prejudice the effective conduct of public affairs (Section 36) is the Chair of Governors, who has the final say on disclosure.

## Publication Scheme

9. The Academy maintains a Publication Scheme as at Annex A, listing the classes of information and the documents that it routinely publishes or intends to publish. The Publication Scheme is on the Academy website and hard copies of documents can be obtained from the Academy as directed in the Publication Scheme. The Scheme will be reviewed annually, following the latest advice from the Information Commissioner's Office.

## Codes of Practice

10. The Academy will comply with the Act, and act in accordance with the Codes of Practice issued by the Secretary of State for Constitutional Affairs<sup>1</sup>. under Sections 45 (“Section 45 Code”) and 46 (Section 46 Code”) of the Act.
11. The purpose of the Section 45 Code is to facilitate disclosure by setting out good administrative practice, and standards for the provision of advice to applicants. It also covers consultation with third parties to whom the information relates or those likely to be affected by a disclosure of information (paragraph 25), the implications of confidentiality provisions in contracts, and the provision of a complaints procedure.
12. The Section 46 Code promotes good records management, based on the premise that ‘any freedom of information legislation is only as good as the quality of the records to which it provides access’ (Foreword).

## Handling and tracking of requests

13. The dedicated routes for valid information requests are:

**Email:** [admin@westminsteracademy.biz](mailto:admin@westminsteracademy.biz)

**Post:** Westminster Academy  
The Naim Dangoor Centre  
255 Harrow Road  
London W2 5EZ

**Fax:** 0207 121 0601

14. All Freedom of Information requests will be logged by the Culture and Communications Manager and tracked thereafter. This will aid identification of repeat, similar or vexatious requests. Multiple requests for information on a particular subject will lead to consideration for its addition to the Publication Scheme during the annual review.

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<sup>1</sup> *The Information Commissioner is an independent Non-Departmental Public Body now sponsored by the Ministry of Justice (MOJ), but reports directly to Parliament.*

15. Where there is reason to believe that some or all of the information requested is held by another public body, the Academy will contact the applicant and provide information about where to redirect the request. In some cases the request may be transferred directly to the other authority.
16. Requests from representatives of the media will be discussed with the Principal and the Culture and Communications Manager before a response is provided.

### **Exemptions and the Public Interest Test**

17. There are 23 exemptions from the right of access. Eight are designated 'absolute', meaning that if an absolute exemption applies, there is no further need to consider the request. The others are known as 'qualified' exemptions and require a **public interest test** to be applied, to consider whether the public interest in withholding the information outweighs the public interest in disclosing it. Further information is shown at Annex B.
18. Where an exemption is deemed to apply to some or all of the information requested, the applicant will be notified in writing. The relevant exemption will be cited and any information that is not exempt will be provided.
19. Where a qualified exemption is being considered, the Academy must conduct a public interest test to determine whether it is in the public interest to release the information. A Review Panel will be convened to conduct the test. The Review Panel will comprise of at least two members of the Senior Leadership Team (SLT), inclusive of the Principal. Further information on the public interest test is at Annex C.
20. Since the Act contains a presumption in favour of disclosure, in cases where there is equal weight between withholding information and disclosing it, the information will be disclosed.
21. In determining whether disclosure would be likely to prejudice the effective conduct of public affairs (Section 36 of the Act), the designated Qualified Person will decide on disclosure. In the Academy this is the Chair of Governors. If legal opinion is thought to be necessary, it will be sought by the Director of Finance & Resources.

### **Personal Information**

22. Where an applicant makes a request for his or her own personal data, the request will be treated as a subject access request under the Data Protection Act 1998.
23. If the request includes personal information about a third party, the information will be provided, unless disclosure would breach any of the data protection principles. The key issues in this regard are fairness, lawfulness and the reasonable expectation of privacy, and these will be considered fully before disclosure is made.
24. In practice this means that the names, grades and positions of Academy staff who are members of the SLT will be disclosed in response to requests for information, except where this would contravene their rights under the Data Protection Act 1998, or would otherwise be unlawful. The names, grades and positions of more junior members of staff will be disclosed only when it would be unreasonable or excessive to withhold such information (for example, where the employee has been included in the recipient's list of a relevant routine communication, and where the context is not sensitive or controversial).

### **Third party information**

25. In accordance with the Act, where a request is made for information about a person other than the applicant or the Academy (a third party), or disclosure may affect the interests of that third party, the Academy will consult the third party promptly in order to determine whether an exemption applies, and to aid the decision on disclosure. However, the decision will be made by the Academy.

### **Fees**

26. The Academy will follow the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. Accordingly, all requests that cost less than £450 to process (the 'appropriate limit') will be complied with free of charge.
27. If the estimated cost of compliance exceeds £450, the duty to comply with a request does not arise. Such requests will not be processed, and the applicant will be provided with a refusal notice. This is based on the principle that charging creates a two-tier system of access to information based on the ability to pay. However, mindful of the duty to provide advice and assistance, where the cost of complying with a request would

exceed the appropriate limit, the applicant will be helped in modifying the request in order to bring the cost below the limit.

28. In calculating the cost of a request, the Academy may only take into account the time taken to determine whether it holds the information, and to locate and retrieve it. It may not take into account the time taken to consider exemptions and to seek and obtain legal advice, to consider whether a request is vexatious, to obtain authorisation to provide the information or to calculate fees. Costs are calculated at an hourly rate of £25, the equivalent of two and a half working days.
29. Disbursements (postage, photocopying, printing, CDs etc.) costing less than £10 will not be charged to the applicant, but will be charged in full at or above that level. Applicants will be informed about such charges in a fees notice.
30. The Academy will not charge for information listed on its Publication Scheme except where specifically indicated on the Scheme.

## **Complaints**

31. Any written reply from the applicant expressing dissatisfaction with the Academy's response to a request will be directed to the Director of Finance and Resources who will decide whether it is to be treated as a complaint. This includes appeals against decisions against disclosure. The SLT is responsible for convening an internal Review Panel to handle complaints. Wherever possible this panel will be chaired by a member of SLT who has not previously been involved with the request for information under review.
32. Complaints received more than two months after the initial decision will not be considered.
33. If dissatisfied with the outcome of the internal review, the applicant may appeal to the Information Commissioner, who has powers to uphold or overturn the decision. The Commissioner has the power to enter premises and inspect all documentation relating to the initial request, and to take an independent decision on disclosure. A decision notice or enforcement notice is then issued which, if ignored, may lead to a fine or imprisonment for contempt of court.

34. The Academy will abide by the decisions of the Information Commissioner's Office, unless it considers itself to have grounds for an appeal to the Information Tribunal.

### **Monitoring, Evaluation and Review**

35. The Governing Body will annually review this policy and assess its implementation and effectiveness. The policy will be promoted and published throughout the Academy.

### **Version History**

Leslie Boodram	Version 1
Full Governing Body Date	March 2012
Review Date	March 2015

## **Publication Scheme on information available under the Freedom of Information Act 2000**

This paper details the Westminster Academy (the “Academy”) Publication Scheme on information available under the Freedom of Information Act 2000.

### **1. Introduction and Background information**

1.1 The Act received Royal Assent on 30 November 2000 and came fully into force on 1 January 2005. The Act gives a general right of access to all types of recorded information held by public authorities, sets out some exemptions from that right and imposes a number of other obligations on public authorities.

1.2 One of the aims of the Freedom of Information Act 2000 is that public authorities, including all maintained schools (inclusive of Academy’s), should be clear and proactive about the information they will make public.

1.3 To achieve this we have produced 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.

1.4 The scheme covers information the Academy publishes or intends to publish as a matter of course.

1.5 All information in our publication is available in paper form. Some information held may not be made public, for example personal information. This Publication Scheme conforms to the model scheme for Academy’s approved by the Information Commissioner.

1.6 The Governing Body is responsible for the maintenance of this scheme.

1.7 The Freedom of Information Officer (is also the Culture and Communications Manager) has on-going responsibility for maintenance of the scheme.



## 2. Aims and Objectives

2.1 The Academy aims to:

- Create a happy, safe environment where all students feel valued and where their achievements are recognised and celebrated.
- Enable each student to acquire, through carefully planned curriculum, the skills necessary to develop their full potential in all areas of learning.
- Encourage each student to be a respectful and caring citizen.
- Encourage all students to grow to be confident, positive and independent in their attitude to learning and life.

2.2 This Publication Scheme is a means of showing how we are pursuing these aims.

## 3. Categories of information published

3.1 This Publication Scheme is a guide to information which we currently publish (or have recently published) or which we will publish in the future. This is divided into categories of information known as “classes”, contained below. The classes of information that we undertake to make available are organised into four broad topic areas:

- **Academy Prospectus** – information published in Academy’s prospectus.
- **Academy Profile** and other information relating to the Governing Body – information published in the Academy Profile and any other governing body documents.
- **Students and Curriculum** – information about policies that relate to students and the Academy curriculum.
- **Academy Policies** and other information related to the Academy – information about policies that relate to the Academy in general.

#### **4. How to request information**

4.1 Academy's website contains information which is available free-of-charge and may be downloaded, copied and/or printed without breaking any copyright laws, unless otherwise stated. Please locate our website using the following web address: [www.westminsteracademy.net](http://www.westminsteracademy.net)

4.2 On the website, the Academy has a number of hyperlinks to other specific areas providing detailed information about specific Academy services.

4.3 If you require further explanation or additional information about the Publication Scheme please contact the Academy's Freedom of Information Officer.

4.4 A copy of the Publication Scheme has been produced in paper form and as an electronic document.

4.5 Website Electronic copies can be located on the Academy's website at the following address [www.westminsteracademy.net](http://www.westminsteracademy.net).

4.6 Paper copies can be viewed at the Academy's reception. The receptionist will also hold a number of copies available for the public or organisations that are unable to visit the Academy. If you request a copy of the scheme via postal mail, the Academy will endeavour to send the free copy to you ***within 20 working days*** of the receipt of your request. To help us process your request quickly, please mark any correspondence (in capitals) "PUBLICATION SCHEME REQUEST".

4.7 Alternatively an email copy can be sent to your e-mail address on request. Please send an email requesting a free copy of the Academy's Publication Scheme to the following email address. Please put "FOI Publication Scheme" in the subject heading: [admin@westminsteracademy.biz](mailto:admin@westminsteracademy.biz).

4.8 Free copies of the Publication Scheme will be provided on a "one copy per request" basis. Repeated requests for copies of the Publication Scheme will be assessed by the finance office and if requests are judged to be vexatious, the request may be refused.

## **5. Governors' Annual Report and other information relating to the Governing Body**

5.1 This section sets out information published in the Governors' Annual Report and in other Governing Body documents. These will contain:

5.1.1 Details of the Governing Body membership, including name and address of Chair and Clerk.

5.1.2 A statement on progress in implementing the Action Plan drawn up following an inspection.

5.1.3 A financial statement, including gifts made to the Academy and amounts paid to Governors for expenses.

5.1.4 A description of the Academy's arrangements for security of students, staff and the premises.

5.1.5 Information about the implementation of the Governing Body's Policy on students with Special Educational Needs (SEN) and any changes to the Policy during the last year.

5.1.6 A description of the arrangements for the admission of students with disabilities; details of steps to prevent disabled students being treated less favourably than other students; details of existing facilities to assist access to the Academy by students with disabilities; the accessibility plan covering future policies for increasing access by those with disabilities to the Academy.

5.1.7 A statement of Policy on whole staff development identifying how teachers' professional development impacts on teaching and learning.

5.1.8 Number of students on roll and rates of students' authorised and unauthorised absence.

5.1.9 National Curriculum assessment results for appropriate Key Stages, with national summary figures.

5.1.10 GCSE/GNVQ results in the Academy, locally and nationally.

5.1.11 GCE A/AS and vocational qualification results in the Academy and nationally.

5.1.12 The number of students studying for and percentage achieving other vocational qualifications.

5.1.13 The destination of Academy leavers.

5.1.14 A statement of the extent to which proposals in the post-inspection action plan have been carried into effect

5.1.15 Minutes<sup>2</sup> of Meeting of the Governing Body and its committees - Agreed minutes of the Governing Body and its committees (current and last full academic year).

## **6. Policies**

**6.1 Students & Curriculum Policies** - This section gives access to information about policies that relate to students and the Academy curriculum.

**6.2 Home-School Agreement** - Statement of the Academy's aims and values, the Academy's responsibilities, the parental responsibilities and the Academy's expectations of its students, e.g. homework arrangements.

**6.3 Curriculum Policy** - Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the Academy.

**6.4 Sex Education Policy** -Statement of policy with regard to sex and relationship education.

**6.5 Special Educational Needs Policy** - Information about the Academy's policy on providing for students with special educational needs.

**6.6 Accessibility Plans** - Plan for increasing participation of disabled students in the Academy's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled students.

**6.7 Race Equality Policy** - Statement of policy for promoting race equality.

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<sup>2</sup> Note, some information might be confidential or otherwise exempt from the publication by law - we cannot therefore publish

6.8 **Child Protection Policy** - Statement of policy for safeguarding and promoting welfare of students at the Academy.

6.9 **Behaviour Policy** - Statement of general principles on behaviour and discipline and of measures taken by the Principal to prevent bullying (also set out in Academy's "Anti-Bullying Policy").

## 7. **Academy Policies and other information related to the Academy**

7.1 **Published reports of OFSTED referring expressly to the Academy** - Published report of the last inspection of the Academy and the summary of the report.

7.2 **Post OFSTED inspection Action Plan** - A plan setting out the actions required following the last OFSTED inspection.

7.3 **Academy session times and term dates** - Details of Academy session and dates of Academy terms and holidays, as published in the Academy Prospectus.

7.4 **Health & Safety Policy and risk assessment** - Statement of general policy with respect of Health and Safety at work of employees (and others) and the organisation and arrangements for carrying out the policy.

7.5 **Complaints Procedure** - Statement of procedures for dealing with complaints.

7.6 **Staff Conduct, Discipline and Grievance** - The Governors of Westminster Academy have adopted Westminster Education Policies on Staff Conduct, Discipline and Grievance.

7.7 **Curriculum circulars and statutory instruments** - Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the Principal or Governing Body relating to the curriculum are available for inspection upon request.

## 8. **Documents held by the Academy and available by request**

8.1 **Accessibility Policy.**

## 8.2 **Admissions Policy.**

8.3 **Attendance Targets** - A statement of the Academy's policy with respect to charges and remissions for any optional extra or board and lodging, for which charges are permitted, for example Academy publications, music tuition, trips.

8.4 **Charging & Remissions** - Details of Academy session and dates of Academy terms and holidays, as published in the Academy Prospectus.

8.5 **Nutritional Standards** - Statement of general policy with respect of Health and Safety at work of employees (and others) and the organisation and arrangements for carrying out the policy.

8.6 **Anti-Bullying** - Statement of procedures for dealing with complaints.

8.7 **Register of Business interests of Principal & Governors** - The Governors of Westminster Academy have adopted Medway Education Authority's Policies on Staff Conduct, Discipline and Grievance.

8.8 **Academic Mentoring** - Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the Principal or Governing Body relating to the curriculum are available for inspection upon request.

8.9 **Discipline Policy (includes Anti-Bullying Policy)** - Status of disciplinary policies, that are held by the Academy and are available on request.

## 9. **Monitoring, Evaluation and Review**

9.1 The Governing Body will annually review this Publication Scheme and assess its implementation and effectiveness. The policy will be promoted and published throughout the Academy.

## 10. **Version History**

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## THE EXEMPTIONS

### Qualified

- Information intended for future publication (s.22)
- National security (s.24) (This exemption should be read in conjunction with s.23 – “information supplied by, or relating to, bodies dealing with security matters”)
- Defence (s.26)
- International relations (s.27)
- Relations within the UK (s.28)
- The economy (s.29)
- Investigations and proceedings (s.30)
- Law enforcement (s.31)
- Audit functions (s.33)
- Formulation of government policy (s.35)
- Prejudice to effective conduct of public affairs (s.36)
- Communications with her Majesty (s.37)
- Health and safety (s.38)
- Some personal information (s.40).
- Legal professional privilege (s.42)
- Commercial interests (s.43)

### Absolute

- Information accessible by other means (s.21)
- Information supplied by or relating to, bodies dealing with security matters (s.23)
- Court records (s.32)
- Parliamentary privilege (s.34)
- Personal information (s.40)
- Information provided in confidence (s.41)
- Information whose disclosure is prohibited by law (s.44)

## **PUBLIC INTEREST TEST**

### **What is the “public interest”?**

It is often suggested that the fact that the term “the public interest” is not defined in the Freedom of Information Act leads to difficulty. This should not be the case. From time to time weighing competing interests may be difficult. However, this does not mean that the nature of the task facing a public authority when applying the public interest test is unclear. In effect *something “in the public interest” is simply something which serves the interests of the public*. When applying the test, the public authority is simply deciding whether in any particular case it serves the interests of the public better to withhold or to disclose information.

### **Sections 2(1)(b) and 2(2)(b) – public interest tests**

If a ‘qualified’ exemption has been cited, the public authority will need to explain how it has considered the public interest tests set out at section 2(1)(b) or section 2(2)(b) of the Act. In order to determine whether the public interest tests have been applied appropriately, the Academy will be required to answer the following questions:]

- What public interest arguments in favour of disclosing the information/confirming or denying whether the information is held were taken into account?
- What public interest arguments in favour of maintaining the exemption/neither confirming nor denying whether the information is held were taken into account?

The Academy will need to explain why it considers that on balance the public interest in maintaining the exemption [or neither confirming or denying] outweighs that in disclosing the withheld information. And include details of any particular weighting exercise that has been carried out.

The Academy will also need to demonstrate that its submissions focus on the content of the information that has actually been withheld rather than simply being generic public interest arguments.