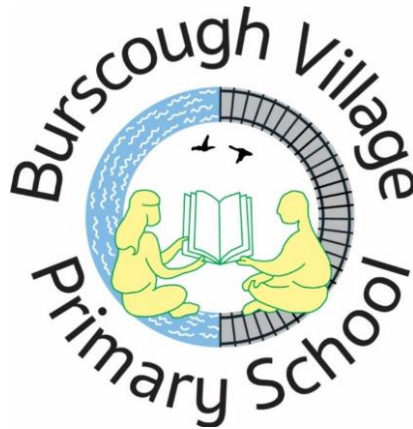




Freedom of Information Policy

Reviewed by:	Anna Yates, Headteacher/ School Business Manager
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Version:	1

This policy is based on an original template produced by The National College. Burscough Village Primary School has reviewed, adapted and amended the content to ensure it reflects the school's own context, practice and statutory responsibilities.

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Statement of intent

As a maintained school and public authority, Burscough Village Primary School is committed to openness and transparency. The school will meet its duties under the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIR), the UK GDPR and the Data Protection Act 2018, as amended by the Data (Use and Access) Act 2025. The school will also have regard to the statutory safeguarding expectations in Keeping Children Safe in Education 2026 when considering information that may identify, endanger or otherwise affect a child.

More specifically, this policy outlines our school's policy and procedures for:

- Recognising, recording and responding promptly to requests for recorded information held by or on behalf of the school.
- Distinguishing FOIA requests from requests for environmental information under the EIR and requests for an individual's own personal data under data protection legislation.
- Applying exemptions and exceptions lawfully, including appropriate public-interest tests and careful protection of personal and safeguarding information.
- Providing applicants with reasonable advice and assistance and maintaining an up-to-date publication scheme and guide to information.

It also clarifies our position regarding the appropriate limit to the costs incurred by the school in obtaining any requested information, and on charging fees for its provision.

1. Legal framework

This policy has due regard to the following legislation:

- The Freedom of Information Act 2000
- The Environmental Information Regulations 2004
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The UK General Data Protection Regulation and the Data Protection Act 2018, as amended by the Data (Use and Access) Act 2025
- The Equality Act 2010
- The Re-use of Public Sector Information Regulations 2015, where applicable

This policy also has due regard to guidance including, but not limited to, the following:

- Cabinet Office, 'Freedom of Information Code of Practice' issued under section 45 of FOIA
- ICO, 'Advice for schools on the FOIA and responding to requests for information'
- ICO, 'Time limits for compliance under the Freedom of Information Act (Section 10)', updated January 2026
- ICO, 'Model publication scheme' and the definition document/template guide to information for schools in England
- ICO guidance on valid requests, advice and assistance, exemptions, vexatious and repeated requests, internal reviews and the EIR
- Department for Education, 'Keeping Children Safe in Education 2026', particularly the requirements on appropriate information sharing, information security and safeguarding records

This policy will be viewed in conjunction with the following other school policies:

- Data Protection Policy and privacy notices
- Freedom of Information Publication Scheme and Guide to Information
- Records Management and Retention Policy
- Child Protection and Safeguarding Policy
- Information Security and Data Breach procedures

Responsibility: The governing body is responsible for the school's compliance with FOIA and the EIR. The headteacher is the school's designated FOI and EIR lead and may delegate day-to-day coordination to an appropriately trained member of staff. All staff must forward any request for recorded information immediately to the school office; a request is valid even if it is addressed to an individual member of staff. The school may consult its Data Protection Officer on personal-data issues, but the DPO does not replace the governing body's accountability for FOIA or EIR compliance.

2. Accepting requests for information

The school will only accept a request for information which meets all of the following criteria:

- It is in writing, including email, a message submitted through an online platform or social media, or another legible electronic form capable of being used for subsequent reference.
- It states the applicant's real name and provides an address for correspondence, which may be an email address.
- It describes the recorded information requested sufficiently clearly for the school to identify and locate it.

A request will be treated as made in writing if it meets all of the following requirements:

- It is transmitted by electronic means
- It is received in legible form
- It is capable of being used for subsequent reference

An applicant does not have to cite FOIA or explain why the information is wanted. If a request is unclear, the school will provide advice and assistance and seek only the clarification reasonably required to identify and locate the information. The statutory time limit will begin when sufficient clarification is received. Where language or accessibility creates a barrier, the school will consider reasonable assistance and alternative communication arrangements rather than applying a blanket requirement that every request be written in English.

The school will publish clear procedures for making requests on its website, including:

- A contact address and email address
- A telephone number
- A named individual to assist applicants with their requests

On receipt, the school will record the request and date received, identify its scope, check whether the information is already available, and decide which access regime applies. Requests for environmental information, including information about buildings, land, energy, waste, outdoor spaces or traffic management, will be handled under the EIR. Requests for the applicant's own

personal data will be handled as subject access requests under data protection legislation. Where more than one regime applies, each part will be handled under the correct regime.

3. General rights of access to information held by the school

Provided that the request meets the requirements set out in section 2 of this policy, the school will comply with its duty to:

- Confirm or deny to any person making a request for information to the school, whether it holds information of the description specified in the request.
- Provide the documentation if the school confirms that it holds the requested information.

This will be completed no later than 20 school days, or 60 working days if this is shorter, from receipt of the request. Where a fee is charged, the timeframe within which the school has to respond to the request begins from the day the fee is received.

The school will not comply with this duty where:

- Further information is reasonably required to identify and locate the information and the applicant has not supplied it after the school has provided appropriate advice and assistance.
- The information is not held by the school, including where a contractor does not hold it on the school's behalf.
- An exemption under Part II of FOIA applies, or an exception under the EIR applies.
- The estimated cost of compliance exceeds the applicable statutory limit under section 12 of FOIA.
- The request is vexatious under section 14(1) of FOIA. The school will assess the request, not label the requester, and will consider its value, context, burden and any disproportionate or unjustified disruption, distress or irritation.
- The request is identical or substantially similar to one previously answered for the same applicant and a reasonable interval has not elapsed, under section 14(2) of FOIA.
- A properly issued fees notice has not been paid within three months.

Where information is withheld, or the school can neither confirm nor deny whether it is held, the school will issue a written refusal notice within the applicable statutory time limit. The notice will identify the exemption or EIR exception relied upon, explain the reasoning and any public-interest test, where required, and set out the applicant's right to request an internal review and then complain to the ICO.

- States that fact.

- Specifies the exemption in question.

Where a qualified exemption may apply, the school may take such additional time as is reasonable to complete the public-interest test. It will identify the exemption and issue a written extension notice within the original time limit, explain why more time is required and provide an estimated date for the substantive decision. The school will keep any extension under review and avoid unnecessary delay.

Where a public interest test extension is required, the school will write to the applicant to inform them of this, stating the following information:

- Which exemption(s) the extension relies on and why
- A revised deadline for when the applicant will receive their response

Where a deadline has to be further extended, the school will write to the applicant again, stating the information outlined above.

Requests for information that is not recorded by the school (e.g. requests for explanations, clarification of policy and comments on the school's business) will not be considered valid requests. In these cases, the applicant will be provided with an explanation of why their request will not be treated under the Freedom of Information Act 2000 and the school will respond to the applicant through other channels as appropriate.

The information provided to the applicant will be in the format that they have requested, where possible. Where it is not possible to provide the information in the requested format, the school will assist the applicant by discussing alternative formats in which it can be provided. The information provided will also be in the language in which it is held, or another language that is legally required. If, under relevant disability and discrimination regulations, the school is legally obliged to provide the information in other forms and formats, it will do so.

In some cases, a request may be dealt with under more than one access regime, e.g. if the request involves both information about the school and personal information, it will be dealt with under the Freedom of Information Act 2000 and the Data Protection Act 2018.

Safeguarding and personal information: FOIA and the EIR create rights of access to information, not an automatic right to documents in full. Before disclosure, the school will review material carefully, redact personal data and other exempt information as necessary, and disclose any reasonably separable non-exempt information. In line with Keeping Children Safe in Education 2026, decisions involving safeguarding records, child protection files, allegations, referrals, medical information, SEND information, images, online identifiers or information-security arrangements will prioritise the welfare and safety of children, preserve confidentiality and be taken with advice from the designated safeguarding lead and/or Data Protection Officer where appropriate. Safeguarding concerns will still be shared promptly with relevant agencies where lawful and necessary; FOIA must not delay protective action.

Staff are made aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held by the school with the intention of preventing disclosure following a request.

4. The appropriate limit

The school will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.

When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the school will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds the information.
- Locating the information, or a document which may contain the information.
- Retrieving the information, or a document which may contain the information.
- Extracting the information from a document containing it.
- Costs related to the time spent by any person undertaking any of the activities outlined in this policy on behalf of the school, are to be estimated at a rate of £25 per person per hour.

The school is not required to search for information in scope of a request until it is within the cost limit. If responding to one part of a request would exceed the cost limit, the school does not have to respond to any other parts of the request.

When estimating costs, the school may aggregate two or more requests received within 60 consecutive working days where the statutory conditions are met and the requests seek the same or similar information. A repeated request will not be refused merely because it was made within a fixed 60-day period; the school will apply section 14(2) and consider whether a reasonable interval has elapsed, including how likely the information is to have changed.

5. Charging fees

The school may, within 20 school days, give an applicant who has requested information from the school, a written notice stating that a fee is to be charged for the school's compliance.

Charges may be made for disbursements, such as the following:

- Production expenses, e.g. printing and photocopying
- Transmission costs, e.g. postage
- Complying with the applicant's preferences about the format in which they would like to receive the information, e.g. scanning to a CD

Fees charged will not exceed the total cost to the school of:

- Informing the person making the request whether we hold the information.
- Communicating the information to the person making the request.

Where a fee is to be charged, the school will not comply with the General rights of access to information held by the school section of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.

Where a fee is paid by cheque, the school has the right to wait until the cheque is cleared before commencing work. Once a fee is received, the school will inform the applicant of the revised response deadline, i.e. an additional 20 school days (or 60 working days).

Where the school has underestimated the cost to be charged to an applicant, a second fees notice will not be issued; instead, the school will bear the additional costs. The school will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in the Charging fees section of this policy.

When calculating the 20th school day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received will be disregarded.

6. Means of communication

Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the school will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
- The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
- The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

Where a preference is not stated by the applicant, the school will communicate by any means which are reasonable under the circumstances. For example, where an applicant uses Twitter to make a request, the school may respond via an alternative medium as Twitter restricts the length of a response.

7. Providing advice and assistance

The school will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the school.

The school may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information the school holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- If a request has been made, but the school is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for the school to assist the individual who has submitted the request.

The school will provide assistance for each individual on a case-by-case basis; examples of how the school will provide assistance include the following:

- Informing an applicant of their rights under the Freedom of Information Act 2000
- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
- Advising an applicant if information is available elsewhere and how to access this information
- Keeping an applicant informed on the progress of their request

Where the school wishes to ask a different public authority to deal with a request by transferring it to them, this will only be done with the agreement of the applicant.

In order to provide assistance as outlined above, the school will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request
- Adhere to the school's Customer Services Policy which outlines the steps included within the code
- Accurately record and document all correspondence concerning the clarification and handling of any request
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances
- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified
- Remain prepared to assist an applicant who has had their request denied due to an exemption

The school will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.

In circumstances where an applicant has difficulty submitting a written request, the school will:

- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
- Direct the individual to a different agency that may be able to assist with framing their request.

Please note: This list is not exhaustive, and the school may decide to take additional assistance measures that are appropriate to the case.

Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the school, as a matter of good practice, will provide advice and assistance.

The school will advise the applicant how and where information can be obtained, if it is accessible by other means.

Where there is an intention to publish the information in the future, the school will advise the applicant of when this publication is expected. If the request is not clear, the school will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.

If the school believes the applicant has not provided their real name, the school will inform the applicant that the request will not be responded to until further information is received from the applicant.

If the school is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request. If any additional clarification is needed for the remainder of a request, the school will ensure there is no delay in asking for further information.

Applicants are given **two months** to provide any requested clarification. If an applicant decides not to follow the school's advice and assistance and fails to provide clarification, the school is under no obligation to contact the applicant again.

If the school is under any doubt that the applicant did not receive the advice and assistance, the school will re-issue it. The school is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under section 14 of the Freedom of Information Act 2000.

Where the school has already sent a refusal request in relation to a previous vexatious request, the school is not obliged to send another notice for future vexatious requests.

An ongoing evidence log is kept, recording relevant correspondence or behaviour that has been taken into account when a request has been classed as vexatious.

Where the estimated cost of complying with a request exceeds the statutory limit, the school will explain this and provide reasonable advice and assistance to help the applicant refine or refocus the request. The school will consider whether any useful information can be provided within the limit or, where lawful, whether information can be supplied on payment of an appropriate fee.

If a request is refined, it will be treated as a new request.

A record will be kept by the headteacher of all the advice and assistance provided.

8. Consultation with third parties

The school may need to consult third parties about information held in scope of a request to consider whether it would be suitable to disclose the information. Situations where third parties may need to be consulted include the following:

- When requests relate to persons or bodies who are not the applicant and/or the school
- When the disclosure of information is likely to affect the interests of persons or bodies who are not the applicant or the school

The school will consider if a third party needs to be directly consulted about a request, particularly, if there are contractual obligations that require consultation before information is disclosed.

Third parties will also be consulted where the school is proposing to disclose information relating to them or information that is likely to affect their business or private interests.

The views of third parties will be given appropriate weighting when deciding how to respond to a request. For example, if the third party created or provided the information, they may have a better understanding of its sensitivity.

It is ultimately the school's decision as to whether information in scope of a request will be released following any relevant consultation.

Where the school decides to release information following consultation with a third party, the third party will be informed in advance that the information is going to be disclosed.

Where the school intends to release information that relates to a large number of third parties, the school will consider whether it would be more appropriate to contact a representative organisation who can express views on behalf of the third parties, rather than contacting each party individually. If no representative organisation exists, the school may also consider only notifying or consulting a sample of the third parties relating to the disclosure. Decisions will be made on a case-by-case basis.

9. Internal reviews

When responding to requests for information, the details of the school's internal review process will be set out, including information about how applicants can request an internal review. Applicants

will also be informed of their right to complain to the ICO if they are still dissatisfied following the outcome of the school's internal review.

Requests for an internal review should be made in writing to the school.

Applicants should normally request an internal review within 40 working days of the school's response. The school may consider a later request where there is a reasonable explanation for the delay.

The school will acknowledge the review request and complete the review promptly, normally within 20 working days. In exceptional cases involving complexity, consultation or a high volume of information, the review may take up to 40 working days; the applicant will be told the reason and the expected completion date.

The review will be a fresh reconsideration of the request and the decision, based on the information and circumstances relevant at the date of the request. Wherever possible, it will be conducted by a senior person who was not involved in the original decision. The school will consider the applicant's concerns, the adequacy of searches, the application of exemptions or exceptions, any public-interest test, and the completeness and clarity of the response.

The applicant will be informed of the outcome of the review and a record will be kept of such reviews and the final decision that is made. If the outcome of the review is to disclose information that was previously withheld, the information will be provided to the applicant at the same time they are informed of the response to the review, where possible. If this is not possible, the applicant will be informed of when the information will be provided.

Within the response to a review, the applicant will be informed again of their right to complain to the ICO.

10. Publication scheme

The school adopts the ICO model publication scheme without modification and maintains a school-specific Guide to Information. The guide will explain what information the school routinely makes available, how it can be obtained and whether any charge applies. It will reflect the ICO definition document or template guide for schools in England and will include, where held and appropriate, information about governance, spending, priorities and performance, decision making, policies and procedures, lists and registers, and services offered.

The publication scheme, Guide to Information and published material will be reviewed at least annually and updated when information changes. Information will normally be published electronically in accessible formats. Requested datasets will be made available for re-use where required by law and reasonably practicable, subject to applicable exemptions, copyright, licensing and charging provisions.

11. Contracts and outsourced services

The school will make clear what information is held by third party contractors on behalf of the school.

Where a contractor holds information relating to a contract held with the school on behalf of the school, this information is considered in the same way as information held by a public authority and so is subject to the Freedom of Information Act 2000.

When entering into a contract, the school and contractor will agree what information the school will consider to be held by the contractor on behalf of the school, this will be indicated in the contract.

Appropriate arrangements will be put in place for the school to gain access to information held by the contractor on the school's behalf, in the event that a freedom of information request is made. These arrangements will be set out in a **contract**, and will cover areas including, but not limited to, the following:

- How and when the contractor should be approached for information and who the points of contact are
- How quickly information should be provided to the school
- How any disagreement about disclosure between the school and contractor will be addressed
- How requests for internal reviews and appeals to the ICO will be managed
- The contractor's responsibility for maintaining record keeping systems in relation to the information they hold on behalf of the school
- The circumstances under which the school must consult with the contractor about disclosure and the process for doing so
- The types of information which should not be disclosed and the reasons for this confidentiality, where appropriate

In some situations, the school may offer or accept confidentiality arrangements that are not set out within a contract with a third party. The school and the third party will both be aware of the legal limits placed on the enforceability of expectations of confidentiality and the public interest in transparency. Such expectations will only be created where it is appropriate to do so.

Contractors must comply with requests from the school for access to information they hold on behalf of the school. Requests for information held by a contractor on behalf of the school will be responded to by the school. If a contractor receives a request, this will be passed onto the school for consideration.

12. Monitoring and review

This policy will be reviewed at least annually, and sooner where legislation, statutory guidance, ICO guidance, school governance or operational practice changes. The headteacher will report significant

compliance issues, repeated delays, complaints and learning from internal reviews to the governing body. The school will retain an audit trail of requests, searches, decisions, disclosures, refusals, reviews and ICO correspondence in accordance with its records retention arrangements.

The next scheduled review date for this policy is **1 September 2027**.

FOI Request Evidence Log

Date received	Requester and contact	Request / regime (FOIA, EIR or SAR)	Information locations and searches	Statutory deadline	Decision / disclosure (exemption, exception or redaction)	Date completed / review or ICO outcome
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