



# **FARNEY CLOSE SCHOOL**

## **Freedom of Information and Data Protection Policy**

<b>Date Published</b>	<b>October 2014</b>
<b>Reviewed</b>	<b>October 2017</b>
<b>Review Due</b>	<b>October 2020</b>

## **School Statement**

The school has a policy on Data Protection and Freedom of Information in order to ensure that both the young people and employees at the school have all of these aspects respected.

The school adheres to the Freedom of Information Act 2000 and the eight principles of Data Protection, a copy of which is attached to this policy. The school will also follow the expectations laid down in Standard 22 of the National Minimum Care Standards for Residential Special Schools.

### **Who is responsible for the maintenance of this Policy?**

The governing body.

### **What is a “publication scheme” and why has it been developed by the school?**

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities and schools should be clear and proactive about the information they will make public.

To do this we must produce a publication scheme, setting out:

- The type 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.

### **Who may request information from the school?**

Any individual will be able to make a request to the school for information. The individual does not have to be the subject of that information, or be affected by its holding or use.

### **What if the person asking for the information is that information?**

If an individual is the subject of that information then the principles of the Data Protection Act to protect the data the subject will take precedence over any Freedom of Information Act right.

The Act gives applicants two related rights:

- To be told whether the information is held by the school

- To receive the information, where possible in the manner requested, for example as a copy or summary, or in paper or electronic format. An individual may also request to inspect records in person

### **What areas does this publication scheme cover?**

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is either available for you on our website to download and print off or available in paper form.

### **Will all information held by the school be made public or made accessible on request?**

- No, some information that we hold may not be made public, for example personal information on pupils and employees.
- There is no obligation for the school to comply with 'vexatious' requests, or repeated requests, if the school has recently responded to an identical or substantially similar request from the same person, but there is a duty to provide advice and assistance to anyone making a request.
- The school must not release third party information or information provided in confidence if to do so would mean breaching one of the Data Protection Principles that are listed below.
- Where the disclosure would not breach the principles, the school may release the information. However, if the third party has served notice under s.10 DPA 1998 that disclosure would cause them unwarranted substantial damage or distress, or the third party would not have a right to know about the information relating to them or a right of access to it under the DPA 1998, the school is required to consider whether release of the information would be in the public interest.
- The public interest test requires the school to determine whether the public interest in withholding the exempt information outweighs the public interest in releasing it. This will be achieved by the school considering the circumstances of each particular case and the exemption that covers the information.

- Investigations and proceedings conducted by a public authority
- Health and safety and Environmental information

### **What do I do if the school applies an exemption on the information I want?**

Where the school decides an exemption applies and withholds information, it will give reasons for its decision and inform the applicant of their right to complain to the Information Commissioner, giving the contact details set out later in this policy and guidance. Where an exemption applies, but the school is nevertheless required to release the information by the Information Commissioner, because it is in the public interest to do so, it will do so within a reasonable time after taking legal advice.

### **Does this scheme meet the guidance set out by the Information Commissioner?**

The Information Commissioner oversees both the Freedom of Information Act 2000 and the Data Protection Act 1998. Both Acts relate to aspects of information policy. They overlap where personal information is considered for disclosure. This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

### **How do the schools aims and objectives relate to this policy?**

The school aims is to:

- To assist every boy and girl to become the best version of his or her own Self
- To reintegrate children into mainstream school whenever possible.

This publication scheme is a means of showing how we are pursuing these aims.

### **What are the categories of information that will be published by the school?**

The publication scheme guides you to information that we currently publish, or have recently published, or which we will publish in the future. This is split into categories of information known as classes. These are contained in section 6 of this scheme.

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

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

### **How will a person request information?**

The request must contain details of the applicant and of the information sought. Requests for information will be dealt with promptly, and within the Acts set maximum time of 20 working days. This is shorter than the 40-day limit set for subject access requests under the Data Protection Act 1998.

If you require any of the documents within the scheme, please contact the school by telephone, email, fax or letter. Contact details are set out below.

Email: [principal@farneyclose.co.uk](mailto:principal@farneyclose.co.uk)

Tel: 01444-881811

Fax: 01444-881957

Contact Address: Farney Close School, Bolney Court, Bolney, West Sussex, RH17 5RD

To help us process your request quickly, please clearly mark any correspondence **"PUBLICATION SCHEME REQUEST"**

If the information you're looking for isn't available via the scheme and is not on our website, you can still contact the school to ask if we have it.

### **Will I have to pay for information requested?**

Information published on our website is free. If you don't have Internet access, you can access our website using a local library or an Internet café.

Single copies of information covered by this publication are provided free unless stated otherwise in section 6. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, we will let you know the cost before fulfilling your request.

### **What information will we publish in the school prospectus?**

The contents of the school prospectus are as follows:

- The name, address, telephone and fax numbers, e-mail and web-site of the school, and the type of school.
- The names of the Principal, Deputy Head, Care Manager, Company Secretary, The Chair of Governors, and Council Members
- Information on the school policy on admissions
- A statement of the school's aims
- The Equal Opportunities statement
- School fees
- Holiday dates
- The procedure for the schools Worries & Complaints procedure
- Comments on Inspection reports
- School consultants and therapeutic provision.
- Details informing parents of their right to withdraw their child from religious education and collective worship.
- The school's professional affiliations
- Information about the school's policy on providing for pupils with special educational needs
- Number of pupils permitted to be on roll.
- National Curriculum assessment results for Key Stage 3 and Key Stage 4 examination results.
- The school Sports statement
- A review of the school Educational provision
- A review of the schools Care provision.
- Examples of the range of evening activities on offer to young people at the school
- Opportunities to meet with staff, reviews of Annual Statements and reports
- Other information on contact with home, positive handling, sex education, school uniform, reintegration, residential accommodation and school security.

### **What information will Governors provide?**

The statutory contents of the governor's annual report to parents are as follows, (other items may be included in the annual report at the school's discretion):

- Details of the governing body membership, including name and address of how to contact the Chair.
- A statement on progress in implementing any action plan drawn up following an inspection
- A financial statement, including gifts made to the school and amounts paid to governors for expenses
- A description of the school's arrangements for security of pupil's staff and the premises
- Information about the implementation of the governing body's policy on pupils with special educational needs (SEN) and any changes to the policy during the last year
- A description of the arrangements for the admission of pupils with disabilities; details of steps to prevent disabled pupils being treated less favourably than other pupils; details of existing facilities to assist access to

- the school by pupils with disabilities.
- A statement of policy on whole staff development identifying how teachers' professional development impacts on teaching and learning
  - number of pupils on roll and rates of pupils' authorised and unauthorised absence
  - National Curriculum assessment results for appropriate Key Stages, with national summary figures
  - End of Key Stage 4 examination results
  - A statement of the extent to which proposals in the post- inspection action plan have been carried into effect

### **What information will be made available on the Instruments of Government?**

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

### **What information will be made available on the minutes of meeting of the governing body and its committees?**

The governors will publish the agreed minutes of meetings of the governing body and its committees for the current and last full academic school year

### **What information will I be able to have about policies that relate to pupils and the school curriculum?**

- **Home – school agreement:** Statement of the school's aims and values, the school's responsibilities, the parental responsibilities and the school's expectations of its pupils for example homework arrangements
- **Curriculum Policy:** Statement on following the policy for the curriculum subjects and religious education and schemes of work and syllabuses, subject action plans and curriculum map currently used by the school
- **Sex Education Policy:** Statement of policy with regard to sex and relationship education
- **Special Education Needs Policy:** Information about the school's policy on providing for pupils with special educational needs
- **Race Equality Policy:** Statement of policy for promoting race equality
- **Collective Worship:** Statement of arrangements for the required daily act

of collective worship

- **Careers Education Policy:** Statement of the programmes of careers education provided for Key Stage 4
- **Child Protection Policy:** Statement of policy for safeguarding and promoting welfare of pupils at the school.
- **Pupil behaviour management and Care & Control of young people:** Statement of the schools' principles on discipline, authorised sanction, prohibited sanctions, behaviour management and Care and Control, along with of measures taken by the head teacher and staff to prevent bullying.
- **Anti Bullying Policy:** Statement of policy for promoting an anti bullying culture.

**What other school policies and information related to the school will be available ?**

- **Published reports of Ofsted and Commission for Social Care Inspections:** referring expressly to the school: Published reports of the last inspection of the school and the summary of the report.
- **Post-Ofsted and Commission for Social Care Inspections action plans:** A plan setting out the actions required following the last
- **School session times and term dates:** Details of school session and dates of school terms and holidays
- **Health and Safety Policy and risk assessment:** Statement of general policy with respect to health and safety at work of young people, employees and all related activities both inside and outside of the school, and the organisation and arrangements for carrying out the policy
- **Worries and Complaints procedure:** Statement of procedures for dealing with complaints
- **Performance Management of Staff:** Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures
- **Staff Conduct, Discipline and Grievance:** Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance

- **Curriculum circulars and statutory instruments:** Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the head teacher or governing body relating to the curriculum

### **What if I want to give any feedback or make a complaint about this publication scheme?**

We welcome any comments or suggestions you may have about the publication scheme. If you want to make any comments, or if you require further assistance or wish to make a complaint then initially this should be addressed to the Principal at the school address.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

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

Or on the **Enquiry/Information Line: 01625 545 700**

**E Mail:** [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk).

**Website :** [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## **Information on the schools Data Protection policy and guidance**

### **Who has access to young people's case records?**

In order to safeguard and promote young peoples and staff welfare at the school, all records concerning them are kept safely and securely. The contents will remain confidential and will be shared only with the individuals who have a right to access the files as part of their job, or need to know their contents.

### **How will young people's files be identified within the school?**

Any file, book, or log etc, that contains personal information on young people at the school, will be clearly marked with a sticker saying "Private and Confidential."

### **Where will young people's personal information be kept?**

All young people personal information will be stored securely in locked filing cabinets in locked rooms. Each young person will have a "Main black File", which

will be stored in the Vault Room. Any files taken from here must be signed in and out using the log in that room.

### **Where will staff personal information be kept?**

All employees' files will be stored securely in locked filing cabinets in the Vault room. Access to files is only permissible in locked rooms. Each young person will have a "Main black File", which will be stored in the Vault Room. Any files taken from here must be signed in and out using the log in that room.

### **What happens to the file of young people who have left the school?**

The files of the young people who have left the school are archived in a locked room and will be kept until their 21<sup>st</sup> birthday, or at least a minimum of 5 years from the date of the last entry for those pupils who may leave around the age of 17.

### **Can the young people at the school have access to their files?**

Young people may read their files if they wish, with the exception of third party or confidential information. The young people may add personal statements, or statements that correct errors, though an adult must research any alleged errors for authenticity. In all cases, the school prefers that a member of staff is present when young people read their file in order to help them understand information that they may not understand or may be of a sensitive nature.

### **Passing on information with Child Protection implications.**

All staff have access to the school's documentation regarding the Child Protection Procedure. They also receive training and regular updates in the school's Child Protection Procedure, which includes guidance on how to deal with and share any information that they may have been given in confidence on child protection issues.

### **How long will other written information at the school be kept?**

The following written information kept by the school will be held for a minimum period of 5 years from the date of the last entry.

- a. The Accident Log, which records accidents to staff and visitors, and to young people whilst the school is looking after them.
- b. The school visitors' book.
- c. The school daily diary
- d. The daily log of events as kept by the Head and Senior Staff.
- e. Staff personnel files
- f. The whole school register

### **How will file entries be identified?**

All file entries are to be signed and dated by any member of staff who makes any entry in them.

**What are the limitations on staff in relation to the content of young people's files, documentation and personal information?**

No member of staff may take or remove from the site any document, or part document, or electronically encrypted documents or materials about young people, without first seeking permission of the Head or Company Secretary.

No member of staff may disclose information about individual young people, their parents / carers, or documentation in relation to them to any person or agency not connected to the company unless it is in the normal course of their professional duties.

No member of staff may discuss or disclose any Child Protection information to any person other than the school's Child Protection officers or investigating officer from an area Child Protection team.

**How does the school ensure confidentiality in other areas?**

No member of staff may take or remove from the site any document, or part document, or electronically encrypted documents or materials e.g. young persons personal information, company documents or PPP Manual, without first seeking written permission of the Head or Company Secretary.

No member of staff may talk to the press or media about the company, its work, the young people, parents / carers, or staff, without first obtaining permission from the Head or company Secretary.

**How does the school comply with Data Protection Legislation in relation to staff?**

To comply fully with Data Protection legislation, and that of the Data Protection Act 1998, the school is required to inform people that it may need to store, access and process information relating to them personally. Outlined below are the principal reasons for holding such data,

- Recruitment, promotion, training, redeployment and/or career development decisions.
- The calculation of payroll data and the transfer of such data for use by financial staff and independent auditors. This will include details of bank/building society accounts for salary transfers and the payment of authorised expenses.
- The determination and calculation of certain benefits and pensions where appropriate.
- Contacting next of kin and arranging medical attention as necessary for any employee whilst at work.
- Compliance with statutory requests from the Inland Revenue, the DSS, the Benefits Agency, or other relevant public authorities/agencies who may rightfully request such information.

- The provision of bank and building society references/reports to third parties.
- Disciplinary purposes arising from an employee's conduct, or ability to perform the requirements of their job.
- Sickness and Absence Records.

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- The provision of bank and building society references/reports to third parties.
- Disciplinary purposes arising from an employee's conduct, or ability to perform the requirements of their job.
- Sickness and Absence Records.

Should you at any time wish to see your personnel file, or to access any other computerised or other data relating to you, you should make a formal request to the Company Secretary, who will make an appointment for you to view the information. All information must be examined under supervision. No record may be altered or removed without express permission.

### **Is the school registered with the Data Protection Commission?**

Yes. The schools "Data Protection Information Officer" is the Company Secretary.

### **What should I do if I want to see my personnel file or have access to computerized data on me?**

Should you at any time wish to see your personnel file or to access any other

computerised or other data relating to you, you should make a formal request to the Company Secretary, who will make an appointment for you to view the information. All information must be examined under supervision. No record may be altered or removed without express permission.

Declaration

I agree to abide by the schools Freedom of information & Data Protection Policy and Guidance.

<b>Name (Print)</b>	
<b>Signed</b>	
<b>Date</b>	

## DATA PROTECTION PRINCIPLES

### **The First Principle**

The information to be contained in personal data shall be obtained and personal data shall be processed, fairly and lawfully.

### **The Second Principle**

Personal data shall only be held for one or more specified and lawful purposes.

### **The Third Principle**

Personal data held for any purpose or purposes shall not be used or disclosed in any manner incompatible with that purpose or purposes.

### **The Fourth Principle**

Personal data held for any purpose or purposes shall be adequate, relevant to that purpose or purposes.

### **The Fifth Principle**

Personal data shall be accurate and where necessary, kept up to date.

### **The Sixth Principle**

Personal data held for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

### **The Seventh Principle**

An individual shall be entitled:

- At reasonable intervals and without undue delay or expense to be informed by the data user whether he holds personal data of which the individual is the subject; and to access any such data held by a data user.
- Where appropriate, to have such data corrected or erased.

### **The Eighth Principle**

Appropriate security measures shall be taken against unauthorised access to, or alteration, disclosure or destruction of personal data against accidental loss and or destruction of personal data.