

## Explanatory Notes for the Model Publication Scheme for Schools

### **The Freedom of Information (Fol) Act 2000**

The Fol Act received Royal Assent on 30 November 2000. The primary object of the legislation is to confer a right on individuals to obtain disclosure of information held by public bodies, including schools, rather than leaving public bodies to confer access to the information they hold as a favour. This is achieved in two ways:

- by imposing on public authorities a positive duty to make information available through the publication of schemes setting out what information it has decided to make routinely available and how/where the information is available to an interested individual.
- by giving the individual who makes a request for information the right to be told whether the body holds such information, and if it does, the right to have that information communicated to them, subject to exemptions. This individual right of access to information will be brought into force for all public authorities (including schools) in January 2005.

### **Model Publication Schemes**

The Information Commissioner<sup>1</sup> has power to approve 'model' schemes for particular classes of public bodies, including schools.

Two model publication schemes have been approved by the Information Commissioner for the governing bodies of maintained schools. These are designed for primary and secondary schools with special schools advised to use the secondary model. A model for maintained nursery schools is being developed and will be available in 2004, but they have until 30 June 2004 to adopt a scheme.

A publication scheme is essentially a guide to information that a public body commits to make available to the public and states how it can be accessed (eg paper, online) and whether it is available free or at a charge.

These notes are aimed to help you and will explain the steps you need to take in order to adopt the scheme. Having adopted the model scheme your school will then be obliged to publish the information set out in it.

The model scheme was developed by DfES in consultation with interested parties and has been approved by the Information Commissioner's Office.

### **Is the Model Scheme appropriate for your school?**

The Freedom of Information Act 2000 defines the public authorities that are covered by the Act and so are required to adopt and maintain a publication scheme. **All** maintained schools are covered by the Act and by adopting the model scheme you will meet the requirements of the Act. However, if you wish to, you may submit a 'bespoke' scheme for approval by the Commissioner which better caters for your school's individual circumstances. If you decide you would prefer to submit a bespoke scheme please see the section: further help and assistance. Please note that a bespoke scheme must be submitted **by 31 December 2003**.

### **The Model Scheme**

The model scheme has been developed in a way that should allow a school to simply insert its own details into the appropriate places as indicated by the bold text in capital letters contained in square brackets.

---

<sup>1</sup> The Information Commissioner is the independent body with responsibility for regulation of both the Freedom of Information Act 2000 and the Data Protection Act 1998

To adopt the model and comply with the FoI requirements, the steps a school needs to take are:

- Adoption of the model scheme by the governing body, recording the decision in the governing body minutes.
- Enter your school and contact details in the model, removing/including any reference to your website. Including a £ sign in the description box where there is a charge
- Publish the scheme – see '*how should the information be made available*'
- Make the information available on request – you may want to review your record management system by undertaking a simple audit of your documents to help you respond to any request.

### Changes to the model

If a school adopts the model scheme they **do not** need to send it to the Commissioner for approval. However, the model scheme should not be altered **except** to include:

- contact and school details
- details of website address, where appropriate
- a £ sign in the description box, where a charge may be incurred for an item
- replacing the aims and objectives with the school's own version (optional)

If you wish to make any other changes to the scheme eg removing or adding another class you will need to submit the scheme for approval to the Commissioner together with a completed approval questionnaire **by 31 December 2003**.

Please note that the class entitled 'Annex A - other documents' allows a school to list other documents in the annex that are available, **without** seeking approval from the Commissioner.

### What will adopting the model publication scheme commit a school to do?

Simply completing a copy of the model scheme does not in itself fulfil a school's obligation under the Act in relation to publication schemes. A school has to make its publication scheme available and publish information in accordance with that scheme. By adopting the model scheme, your school is committing itself to publishing the information described.

As new information is produced which falls within a class definition, it should be prepared for publication and made available.

Schools are one of the last public authorities in the rolling programme that are required to have a publication scheme in place **by 29 February 2004**. The DfES will issue further guidance to schools on the effect of the Freedom of Information Act from 2005 covering how to respond to requests for information not set out in your publication scheme.

### How should the information be made available?

The scheme provides scope for a school to publish information in a variety of ways. It is expected that unless you state otherwise the information will be in paper form. However schools may wish to make information available on their websites. The model contains optional text in square brackets for this purpose.

Where information is available on a website the Information Commissioner will still expect hard copies to be made available on request as not everyone has access to the internet.

The Freedom of Information Act aims to develop a culture of openness amongst public authorities. Schools **should** raise awareness of the existence and contents of the scheme among the general public and parents in particular. You could do this through the Governors'

Annual Report, through a paragraph in your newsletter and on your website if you have one. You may find the following paragraph helpful in meeting the requirements of the FOIA.

*The Freedom of Information Act requires publicly funded bodies, including schools, to be clear about the information they publish. We have produced a publication scheme setting out all the information we publish on a regular basis and where to find it. Ask the school office to let you see the scheme or provide you with a copy free of charge.*

## **Fees**

It is expected that schools will make all items available to the public free of charge or in line with their existing charging policy. The Fol Act does not introduce any new requirements for making documents available in another language. However, you will want to ensure accessibility to the information and conform with existing legal requirements eg Disability Discrimination Act. If a school is making available a priced item such as printed publications, videos and bound information then a charge may be levied for that item. Where you have decided that there is a charge for an item this **should be annotated with a £ sign in your publication scheme** next to the description. If the request requires a lot of photocopying or large postage costs a school will need to make clear to enquirers that there could be a handling charge in line with any existing policy on charging.

## **The Duration of the Model Scheme**

The model scheme prepared for maintained schools has been approved for a period of four years, that is until 28 February 2008. The Information Commissioner will review the scheme before its anniversary date. If you decide to submit your own scheme the Commissioner will advise you whether it has been accepted. At that time you will also be informed of the date the approval of your model scheme will expire. Generally this will be four years.

## **Freedom of Information and the Data Protection Act**

Personal information is exempt under the Fol Act. However individuals may continue to make a 'subject access request' under the Data Protection Act. If a request is made for a document eg Governing Body minutes which contains personal information, the minutes may be issued by blanking out the relevant personal information.

## **Further Help and Assistance**

For further information contact the Public Enquiry Unit at the DfES on 0870 000 2288 or your own LEA which will be able to provide advice and support.

General enquiries about Fol, publication schemes, the Fol Act or the submission process and subsequent operation of the scheme once adopted should be addressed to the Fol compliance team at the Information Commissioner's Office (see below)

To submit a bespoke scheme you should follow the procedure detailed in the Commissioner's booklets; Publication Schemes – Approval Documentation and Guidance & Methodology. These are available on the Commissioner's website at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) or by telephoning 0870 901 4291

### *Information Commissioner's Office*

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or Enquiry/Information Line: 01625 545 700, [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## Freedom of Information – Publication Scheme Flowchart – Steps required to adopt model

