Information Commissioner's Office

Freedom of Information Act 2000

Definition document for the governing bodies of maintained and other state-funded schools in England

This guidance is written for the use of all schools in England that are subject to the Freedom of Information Act 2000 (FOIA), including academies and free schools. Sixth form colleges may opt to use either this definition document or the one for colleges of further education, as appropriate to their constitution. Smaller schools may alternatively use the template guide to information schools available on the ICO website. You must make clear which document you are using.

This guidance gives examples of the kinds of information that the ICO would expect you to provide routinely in order to meet your commitments under the model publication scheme.

The ICO expects you to make the information in this definition document available unless:

- you do not hold the information;
- the information is exempt under one of the Freedom of Information Act (FOIA) exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute (eg UK GDPR);
- the information is readily and publicly available from an external website; such information may have been provided either by you or on your behalf. You must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or
- it would be impractical or resource-intensive to prepare the material for routine release.

If the information is only held by another public authority, you should provide details of where to obtain it.

The guidance is not meant to give an exhaustive or definitive list of everything that should be covered by a publication scheme. The legal

commitment is to the model publication scheme, and you should look to provide as much information as possible on a routine basis.

As a minimum, the ICO expects you to make available information that is required by statute, by the Department for Education or by virtue of a funding agreement, unless the disclosure is contrary to those provisions.

Publishing datasets for re-use

As a public authority, you must publish under your publication scheme any dataset you hold that has been requested, together with any updated versions, unless you are satisfied that it is not appropriate to do so. So far as reasonably practicable, you must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and you are the only owner, you must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The 2018 Section 45 Code of Practice recommends that public authorities make datasets available for re-use under the Open Government Licence.

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published guidance on Datasets (sections 11, 19 and 45). This explains what is meant by "not appropriate" and "capable of re-use".

Model publication scheme

The table below identifies the specific information the ICO expects the schools in England to publish under each of the seven classes of information set out in the model publication scheme.

Class 1 – Who we are and what we do

Organisational information, structures, locations and contacts.

Information in this class will be current information only.

- **Instrument of government or articles of association**
- **School prospectus and curriculum**

The contents of the school prospectus (if any).

An outline of the school curriculum.

- **Governing body**

Make available the names of the governors, and the basis on which they have been appointed, along with details of how to contact them via the school.

- **Information about and duties of the governors**

Publish information on your governing body in accordance with the relevant statutory guidance.

- **Gender pay gap reporting**

Read the Government's guidance on the gender pay gap reporting to find out what information you need to publish. Publish this data annually if you have a head count of 250 staff or more.

- **School session times and term dates**

Provide details of school session times and dates of school terms and holidays.

- **Location and contact information**

Provide the address, telephone number, email and website address for the school, together with the names of key personnel. Also provide the names and positions of all staff, and how they may be contacted via the school.

Class 2 – What we spend and how we spend it

Financial information about projected and actual income and expenditure, procurement, contracts and financial audit.

Make available the financial information for the current and previous two financial years.

- **Annual budget plan and financial statements**

Provide details of the sources of funding and income you receive by a local authority, directly by central government or from elsewhere, including the private sector, together with the annual budget plan and your annual income and expenditure returns.

- **Expenditures**

Provide details of items of expenditure over £5,000, including costs, supplier and transaction information. Publish this at least annually or, if practical for you to do so, on a quarterly or six-monthly interval.

- **Capital funding**

Provide information on major plans for capital expenditure, details of the capital funding allocated to or by you together with information on related building projects and other capital projects. Include any private finance initiative and public or private partnership contracts.

- **Financial audit reports**

- **Procurement and contracts**

Provide details of procedures used for the acquisition of goods and services and details of contracts that have gone through a formal tendering process.

- **Staff allowances and expenses**

Provide details of the allowances and expenses that can be incurred or claimed. Include the total of the allowances and expenses paid to individual senior staff members by reference to categories. Produce this information in line with your policies, practices and procedures. As a minimum, include travel, subsistence and accommodation.

- **Staff pay and grading structures**

You can provide this as part of your organisational structure. As a minimum, include the details of senior staff salaries in bands of £5,000. For all other posts, identify levels of pay by salary range.

- **Governors' allowances**

Provide details of allowances and expenses that can be incurred or claimed, and a record of total payments made to individual governors.

- **Premiums or other forms of financial support available**

Provide details of any pupil premium funding you receive and how you spend it.

- **TU facility time reporting**

Read the government guidance on reporting trade union facility time to find out what information you need to publish. You need to publish this information once a year.

Class 3 – What our priorities are and how we are doing

Strategies and plans, performance indicators, audits, inspections and reviews.

As a minimum, information in this class to be current information only.

Include details of any other reports or recorded information showing your planned or actual performance. If the information is readily and publicly available via an external website, you can provide a direct link to that.

- **Performance data supplied to the government**

- **Latest Ofsted report**

- **Performance management information**

Performance management policy and procedures adopted by your governing body.

- **Future plans**

Any major proposals on future plans involving, for example a consultation on a change in school status.

- **Exam and assessment results**

- **Performance tables**

Include a link to your performance tables page.

- **Data protection impact assessments (in full or summary format) or any other impact assessments (eg health and safety impact assessments, equality impact assessments), as appropriate and relevant.**

Class 4 – How we make decisions

Decision-making processes and records of decisions.

Make information in this class available for at least the current and previous three years.

- **Admissions policy and decisions**

Provide details about your admission arrangements and procedures, together with information about the right of appeal. You don't have to publish individual admission decisions. However, provide details of application numbers and patterns of successful applicants, including criteria on which applications were successful. If you are not your own admissions authority, provide an appropriate link to the local authority.

- **Minutes of meetings of the governing body and its committees**

Publish the minutes, agendas and papers considered at such meetings, unless an exemption applies to the information or parts of it.

Class 5 – Our policies and procedures

Current written protocols, policies and procedures for delivering our services and responsibilities.

Information in this class to be current only.

- **School policies and other documents**

Include policies such as behaviour, anti-bullying, eSafety, special educational needs policies. As a minimum, include policies, procedures and documents that you are required to have by statute, by your funding agreement or equivalent. Include the required policies recommended by the Department for Education. Also include policies and procedures for handling requests for information and operating the publication scheme.

- **Records management, personal data and access to information policies**

Include information security policies, records retention, destruction and archive policies and data protection (including data sharing and CCTV usage) policies.

- **Equality and diversity**

Include policies, schemes, statements, procedures and guidelines relating to your commitment to the promotion and advancement of equal opportunities, including details of your compliance with the public sector equality duty.

- **Safeguarding and child protection**

The policies and procedures you put in place to ensure that you exercise your functions with a view to safeguarding and improving child protection and promoting the welfare of children in compliance with legislation and any guidance issued by the Secretary of State.

- **Pay policy**

The statement of the pay policy and procedures regarding teachers' pay.

- **Health and safety**

- **Policies and procedures for human resources and the recruitment of staff**

Make details of current vacancies readily available, if they are advertised as part of recruitment policies.

- **Careers programme information**

- **Complaints procedures, including for dealing with parental complaints**

- **Charging regimes and policies**

Provide details of any statutory charging regimes, including charging for school activities. Include charging policies about charges made for information routinely published. Clearly state what costs you are recovering, the basis on which you make them, and how they are calculated.

If you charge a fee for licensing the re-use of datasets, state in your guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. You cannot charge a re-use fee if you make the datasets available for re-use under the Open Government Licence.

Class 6 – Lists and Registers

Information to be in currently maintained lists and registers only.

- **Curriculum circulars and statutory instruments**

Statutory instruments (for example regulations), departmental circulars and administrative memoranda sent to the head teacher or governing body concerning the curriculum.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by you or on your behalf. You should decide on the level of detail which is appropriate. This could be by building or more general geographic locations, eg postcodes or partial postcodes, depending on the security issues raised.

- **Disclosure logs**

If you produce a disclosure log indicating the information provided in response to FOIA and EIR requests, make it readily available. Disclosure logs are recommended as good practice.

- **Asset register**

Make available some information from capital asset registers, if you hold such registers.

- **Any information you are currently legally required to hold in publicly available registers**

Class 7 – The services we offer

Information about the services the school provides including leaflets, guidance and newsletters.

Generally, this is an extension of part of the first class of information and may also relate to information covered in other classes. Examples of services you could include here are:

- **Extra-curricular activities**
- **Out of school clubs**
- **School publications**
- **Services for which the school is entitled to recover a fee, together with those fees**
- **Leaflets, booklets and newsletters**