

Response to Request for Information

Reference FOI 001146
Date 16 May 2017

St Bartholomew's Primary School

Request:

I would be grateful if you could answer the following questions for me. I apologise for the volume of questions and I understand if it easier for you to respond to groups of questions separately. Please note that I do not require any specific information regarding individual students.

- How many students have won an appeal in the last 7 academic years (this encompasses all year groups currently at St Bartholomew's) for St Bartholomew's? Please can I have only the number of winning cases and the year in which the appeal was won?
[A search of available records has indicated that there were no successful appeals for the period highlighted.](#)
- Who decides the criteria for a 'strong religious connection'? Is this the Local Authority? The school? Or the religious leaders (The Church, the Temple etc...)?
[As detailed in the oversubscription criteria for the school, it is for the faith leader to demonstrate that an applicant has current strong religious connections. A Supporting Evidence form is provided for parents and the faith leader to complete, to enable them to demonstrate a child and family's current strong religious connection.](#)

[It must be demonstrated by the faith leader that s/he has current strong religious connections.](#)
- How does the Local Authority then decide which students pass the 'strong religious connection' criteria? Is this based on the 'Yes/No' question at the bottom of the 'Supplementary Information Form for Claims under Criterion 4 (Religion) for a Voluntary Controlled School' alone? Is the tick box section of this form also taken into account by the Local Authority?
[As confirmed above, it will be determined by the relevant faith leader that there is a current strong religious connection. The tick box section of this form is completed by the faith leader but the form is explicit that the Yes/ No question **must** be answered by the faith leader when they complete the form \(i.e. the faith leader determines if there is a strong religious connection by confirming yes or no\).](#)

- Could you please confirm for me that the reason for the increase (to 60 pupils) in intake at St Bartholomew's over the last two years was due to increased birth rates?
This was partially due to an increase in birth rates. However, there are a number of factors that influence demand for educational provision in the city. This includes cross border movement of pupils, migration rates, school performance and school popularity. Ultimately St Bartholomew's admission limit was increased to ensure sufficiency of provision.
- Could I have a list of 'Numbers on Roll' for all Wolverhampton Primary schools (not individual schools) for the last 7 years, for this current cohort (2017/18) and projected figures for next year (2018/19)?
2010 - 19,173
2011 - 19,181
2012 - 19,607
2013 - 20,168
2014 - 20,810
2015 - 21,283
2016 - 22,062
2017 - 23,352
Projected for next cohort year - (17/18) - 23,920
(18/19) - 24,279
- Could I have the birth rate figures for children born in Wolverhampton
 1. between 1st Sept 2012 to 31st August 2013?
 2. between 1st Sept 2013 to 31st August 2014?We have calendar year live birth rate per 1,000 population:
2012: 14.1
2013: 13.8
2014: 13.8
- Could you please confirm for me the reason for the reduction of intake from 60 to 45 at St Bartholomew's for the academic year 2017/18?
This was due to physical and financial constraints. In addition there is sufficient capacity within the city to meet community needs.
- I understand that 24 children were accepted for a place at St Bartholomew's this year (2017/18) based on 'strong religious connections'. Could you please confirm this number?
Yes, this is correct, 24 applicants received a place based on religious reasons and did so by completion of the supplementary information form and the faith leader demonstrated that they had a current strong religious connection.
- What are the religions of these 24 children? Church of England? Sikh? Quaker?etc... (Please note I do not need to know specific information regarding individual children)?
The religion of the 24 children is not requested on the supporting evidence form used, nor is it relevant. From the information detailed on the supporting evidence form this does not ask what religion the child and family is, as this is not the criteria . The supporting evidence form is for determination by the

relevant faith leader that there is a current and strong religious connection, this is regardless of any specific religion.

The oversubscription criteria in relation to religion is shown below.

Religious Reasons

To a child and family who has religious reasons for attending the preferred voluntary controlled school and for whom it can be demonstrated by the faith leader that s/he has current strong religious connections. This reason will only be taken into consideration if the preferred school is the nearest Church of England (voluntary controlled or voluntary aided) school to the child's home address (measured by a straight line from the home address to the school).

Supporting Evidence

A Supporting Evidence form will be provided for parents and your faith leader to complete, to enable them to demonstrate your child and family's current strong religious connections.

- As a Church of England school, do children who attend a Church of England church get priority?

No. Places are allocated in accordance with the oversubscription criteria for the school

1. Looked After Children and Previously Looked After Children

Priority will be given to a child who is in the care of a local authority or provided with accommodation by that authority or a child who has been adopted (or is subject to a residence order or special guardianship order) immediately following being in the care of a Local Authority.

Supporting Evidence

If the child is in the care of a local authority or provided with accommodation by that authority this must be indicated on the common application form and evidence (e.g. evidence of child in care from the placement authority) to support this claim must be submitted with the preference form.

If the child has previously been in the care of a local authority or provided with accommodation by them and has subsequently been adopted, or is subject to a child arrangements order or special guardianship order this must be indicated on the common application form and evidence (e.g. adoption certificate/copy of court order) to support this claim must be submitted with the common application form.

2. Medical/Social

Whether there are specific medical or social circumstances that can be met only by the child's attendance at the preferred school.

Supporting Evidence

If parents believe there are specific reasons, medical or social, for claiming priority for their child to attend a particular school these special factors must be indicated on the form and evidence (e.g. a letter from a registered health professional such as a doctor or a social worker) to

support this claim must be submitted with the common application form. The information submitted must state clearly the effects of the condition/illness and why the preferred school is the only school that can meet their child's needs. This is necessary because parents would be asking the Authority to assess their child as having a stronger case than many other children, even some who live closer to the school in question than they do. The information provided will be used to prioritise the request for a particular school. Please note that only in exceptional cases are places prioritised in respect of a child's/parent's medical/social grounds.

3. Siblings

Whether siblings attend the school (or the associated Infant/Junior School) and will still be attending the school in September 2017.

4. Religious Reasons

To a child and family who has religious reasons for attending the preferred voluntary controlled school and for whom it can be demonstrated by the faith leader that s/he has current strong religious connections. This reason will only be taken into consideration if the preferred school is the nearest Church of England (voluntary controlled or voluntary aided) school to the child's home address (measured by a straight line from the home address to the school).

Supporting Evidence

A Supporting Evidence form will be provided for parents and your faith leader to complete, to enable them to demonstrate your child and family's current strong religious connections.

5. Distance

How close the child lives to the school requested with those living closest to the school getting the highest priority. The measurement between home and school will be determined by the straight line measurement from the home address to the preferred school carried out by the LA's software.

- Can I have a list of the religious leaders/places of worship of those 24 children who have been accepted on religious grounds? (please note that I do not require this for individual children. For example I would like to know how many children who were accepted had their form signed by the religious leader at a Church of England church and the name/address of the church; how many had their form signed by the religious leader at Gudwara and the name/address of the Gudwara? etc...) In essence, I require a list of the places of worship (and the religious leaders, if this is ok) who the Local Authority have accepted their assessment of a child's 'strong religious connections'. Information pertaining to a list of individual religious leaders and indeed places of worship cannot be disclosed. Under the Freedom of Information Act, Section 40 (2) and (3) - Personal Information, the Council has obligations to protect the personal information of individuals under the Data Protection Act. Therefore,

there is an exemption on disclosure of information which we feel is the personal information of identifiable individuals.

The Council believes that any detailed information would be personal data as defined by Section 1(1) of the Data Protection Act (DPA) as it relates to an identifiable individual. Therefore the information you requested is personal data as described in section 40(2)(a) of the FOIA.

Section 40 (2) - Any information to which a request for information relates is also exempt information if –

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.

Having determined that the information is personal data we then considered whether any disclosure would breach any of the data protection principles in respect of section 40(3)(a)(i) detailed below,

Section 40 (3) The first condition is – (a) in a case where the information falls within any of the paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene –
(i) any of the data protection principles,

The first principle in the Data Protection Act states:

“1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

- (a) at least one of the conditions in Schedule 2 is met.”

Therefore, we have to consider whether it would be fair to disclose the information to the public, especially in light of the fact that the information is disclosed to the wider public not just the specific requester. In short, would it be fair on the individuals in question to disclose their personal information. We do not feel that the individuals in question would reasonably expect their information to be disclosed in this way and therefore it would be unfair on them to do so. Therefore, by disclosing this information the Council risks being in breach of the first principle of the Data Protection Act and therefore the exemption provided by Section 40(2) and (3) of the Freedom of Information Act is engaged.

If we were to go on and consider the conditions for processing held in Schedule 2, the only ones relevant in this case which potentially could be met would be the first condition and the sixth condition which is:

“1. The data subject has given his consent to the processing.”

“6. The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

[NOT PROTECTIVELY MARKED]

We do not have the consent of the data subject to disclose their data. Consequently, the first conditions in Schedule 2 cannot be met. We also do not believe that the sixth condition can be met. Therefore, we have determined that none of the conditions in Schedule 2 can be met.

Therefore, in conclusion we feel that disclosure of the information in question risks the Council being in breach of the first principle of the Data Protection Act. As a result the exemption provided by Section 40(2) and (3) of the Freedom of Information Act is engaged.