

Response to Request for Information

Reference FOI 002820
Date 3 October 2018

School Admissions

Request:

I am writing to request information under the Freedom of Information Act about applications to schools, made under the exceptional medical or social needs admission (EMSNA) rule.

Please note that the information provided below is in respect of online applications. As there has been a significant increase in parents/ carers applying via the online system, the number of social and medical claims has increased by virtue of parents selecting this criteria without necessarily understanding the circumstances where they may qualify. This is despite the text below being clear within the school prospectus and via the online system.

*“Social/medical claims are only accepted where there are specific medical or social circumstances that can only be met by the child’s attendance at the preferred school. The following supporting evidence has to be provided
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.”*

The numbers are for schools where the City of Wolverhampton administers the admission arrangements. This information only relates to normal year of entry applications.

Can you please tell me:

- How many applications did you have for entry to schools this academic year (2018/19), which requested special consideration on the grounds of a child's exceptional medical or social needs. Please break down this information by primary and secondary school.
Reception Year – 1,180
Year 7 - 882

- How many applications on these grounds you received for each of the four preceding academic years (2014/15, 2015/16, 2016/17, 2017/18)
 - 2014/15 - Reception Year – 209
 - 2015/16 - Reception Year – 379
 - 2016/17 - Reception Year – 1,142
 - 2017/18 - Reception Year – 1,004
 - 2014/15 - Year 7 - 277
 - 2014/15 - Year 7 - 244
 - 2014/15 - Year 7 - 723
 - 2014/15 - Year 7 - 966

- How many applications on these grounds were successful each year
 - 2014 – Reception Year - 1
 - 2015 – Reception Year - 2
 - 2016 – Reception Year - 3
 - 2017 – Reception Year - 0
 - 2018 – Reception Year - 0
 - 2014 - Year 7 - 1
 - 2015 - Year 7 - 1
 - 2016 - Year 7 - 1
 - 2017 - Year 7 - 1
 - 2018 - Year 7 - 1

- How many applications on these grounds were declined each year
This is shown as the difference between the number of applications received vs the number of applications allowed in each respective year.

- Figures for how many primary and secondary schools accepted EMSNA applicants and how many children were accepted in total. (Eg 200 successful applicants across 50 schools in 2018/19. 150 across 40 schools in 2017/18).
 - 2014/15 – Number of schools primary – 55 successful - 1
 - 2015/16 – Number of schools primary – 55 successful - 2
 - 2016/17 – Number of schools primary – 55 successful - 3
 - 2017/18 – Number of schools primary – 52 successful - 0
 - 2018/19 – Number of schools primary – 52 successful - 0
 - 2014/15 – Number of secondary schools – 16 successful - 1
 - 2015/16 – Number of secondary schools – 17 successful - 1
 - 2016/17 – Number of schools secondary – 17 successful - 1
 - 2017/18 – Number of schools secondary – 17 successful - 1
 - 2018/19 – Number of schools secondary – 17 successful - 1

For this academic year only:

- A breakdown of the grounds and evidence given by successful applicants, (eg that their child has autism and their desired school has specialist teachers.)
With reference to your above question the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies:

In respect of information relating to the grounds and evidence given by successful applicants, the Council considers that to reveal this information, where Wolverhampton have been placed to carry out this process, would compromise the safety and security of the child placed in that school including the purposes of supporting small numbers of individual children. Additionally, individuals involved would also have no reasonable expectation that their information would be disclosed and published to the world-at-large and therefore the following exemption applies:

We can confirm that the Council holds information falling within the description specified in your request. However, Section 40(2)(3) of the Freedom of Information Act 2000 allows a public authority to refuse a request if it asks for information 'other than that of the requester' and where disclosure would breach the data protection principles contained in Chapter 2 - Section 34 of the Data Protection Act 2018.

The Council considers that to reveal this information would breach DPA principles notably– that of fair and lawful processing and - that of processing for specified and not-incompatible purposes and therefore this meets the definition for personal data set out in Data Protection Act 2018 as:

34 - Overview and general duty of controller

- (1) This Chapter sets out the six data protection principles as follows:
 - (a) section 35(1) sets out the first data protection principle (requirement that processing be lawful and fair);
 - (b) section 36(1) sets out the second data protection principle (requirement that purposes of processing be specified, explicit and legitimate);

- (c) section 37 sets out the third data protection principle (requirement that personal data be adequate, relevant and not excessive);
- (d) section 38(1) sets out the fourth data protection principle (requirement that personal data be accurate and kept up to date);
- (e) section 39(1) sets out the fifth data protection principle (requirement that personal data be kept for no longer than is necessary);
- (f) section 40 sets out the sixth data protection principle (requirement that personal data be processed in a secure manner).

Where information requested under the FOI Act includes information about identifiable individuals, public authorities must consider whether its release would breach the Data Protection Act.

To explain further, to disclose this information made under the provisions of FOI is judged to be a disclosure to the wider world and here the Council must consider disclosure of personal information in line with the provisions of the DPA.

Any disclosure of this information would be judged in this instance to breach DPA principles, notably the first principle – Section 35 (1)(a) that of fair and lawful processing and the second principle – Section 36 (1)(b) requirement that purposes of processing be specified, explicit and legitimate.

In coming to this conclusion, City of Wolverhampton Council considers that it would not be fair on the individual in question to disclose their personal information. We do not feel that the individual in question would reasonably expect their information to be disclosed in this way and therefore it would be unfair on them to do so.

- A breakdown of the medical and/or social needs reasons given by parents whose applications were unsuccessful, (eg that their child has asthma or needs to stay in particular friendship group.)

In respect of your above question, it has been established after careful consideration that the Council does not hold the above information in the format requested as the information is recorded in individual memo fields and cannot be aggregated.

Consequently, we are unable to provide any information relating to the above, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

- Details of the school in your area accepting the highest number of EMSNA applicants: the name of the school and how many applicants it accepted.
Secondary - Heath Park Academy (1)

[NOT PROTECTIVELY MARKED]

- And any other comments you would like to make on the issue