

3 July 2019  
Our ref: 5400028

Thank you for your request received on 17 June 2019, for the following information:

**I would like to request the below information, relating to fair access protocols, under the freedom of information act. If information for any of the questions below is out of scope, please include the reason next to the specific question, and provide an answer for the others. Information in an Excel spreadsheet would be preferable.**

- 1. The number of cases considered under Fair Access Protocols in the council for this academic year, and then the previous three before that (17-18, 16-17, 15-16)**
- 2. The number of intentions to direct issued by the council to local schools in this academic year, and then the previous three before that (17-18, 16-17, 15-16)**
- 3. How many schools failed to engage fully or at all with the protocol processes in this academic year, and then the previous three before that (17-18, 16-17, 15-16)**
- 4. The number of refusals made by academies in the council area in this academic year, and then the previous three before that, and/(or) the number of directions requested of the secretary of state (17-18, 16-17, 15-16). Please also split by primary/secondary.**
- 5. The number of appeals to the Schools Adjudicator made by governing bodies of maintained schools in this academic year, and then the previous three before that (17-18, 16-17, 15-16). Please also split by primary/secondary.**
- 6. The number of schools that refused a request based on 3.12 of the Code, which states: a 'governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children', Please provide this information for this academic year, and then the previous three before that (17-18, 16-17, 15-16)**
- 7. How many children failed to secure a school place after a referral to the fair access panel in this academic year, and then the previous three before that (17-18, 16-17, 15-16). Please also split by primary/secondary.**
- 8. I would like details on the length of time it took to negotiate the admission of some children. Please could you provide the average length of time from referral to a child entering their new school. Failing this, please could you provide the longest time it took for a child to enter a new school after a referral? (for this academic year, and the previous three). Please also split by primary/secondary.**

We have processed this request under the Freedom of Information Act 2000.

## Response

***I would like to request the below information, relating to fair access protocols, under the freedom of information act. If information for any of the questions below is out of scope, please include the reason next to the specific question, and provide an answer for the others. Information in an Excel spreadsheet would be preferable.***

- 1. The number of cases considered under Fair Access Protocols in the council for this academic year, and then the previous three before that (17-18, 16-17, 15-16)***
- 2. The number of intentions to direct issued by the council to local schools in this academic year, and then the previous three before that (17-18, 16-17, 15-16)***
- 3. How many schools failed to engage fully or at all with the protocol processes in this academic year, and then the previous three before that (17-18, 16-17, 15-16)***
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In respect of your recent enquiry for information under the provisions of the Freedom of Information Act, the information that you asked for cannot be provided within the statutory 18-hour limit because we do not hold this data as a category on our management system. We would need to read the case notes and outcomes of every cases considered under Fair Access Protocols.

For academic year 2018-19 (September 2018 - present) we would have to read 188 case notes. It would take approximately 10 minutes to review each case. 188 case

files x 10 minutes = 1880 minutes (31 hours). This would then have to be repeated for all years requested.

We have therefore decided to refuse your request, please see Refusal notice (Section 12) below.

## **Refusal Notice**

Section 12 of FOIA states that the council does not have to comply with a request for information if the cost of compliance exceeds the appropriate limit of £450 calculated at £25 per hour with a limit of 18 hours. The appropriate limit relates strictly to the process of determining whether the information is held; locating, retrieving and extracting the information, or a document containing it.

## **Further information**

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

## **Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

## **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.