

16 July 2019  
Our ref: 5434028

Thank you for your request received on 1 July 2019, for the following information:

**In the last 10 academic years how many students have been excluded from all council-run schools in your borough for carrying or possessing a weapon?**

**We would like the data for broken down by:**

- school
- academic year
- nature of the weapon
- whether it was a fixed period exclusion or a permanent exclusion
- the youngest age of a child excluded for this reason in the borough

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

## **Response**

***In the last 10 academic years how many students have been excluded from all council-run schools in your borough for carrying or possessing a weapon?***

***We would like the data for broken down by:***

- ***school***
- ***academic year***
- ***nature of the weapon***
- ***whether it was a fixed period exclusion or a permanent exclusion***
- ***the youngest age of a child excluded for this reason in the borough***

Please note that the Local Authority only collects data on permanent exclusion from school, for information regarding fixed term exclusions you will need to contact individual schools:

Please see the link below:

[https://www.barnet.gov.uk/citizen-home/directories/Directories.html?\\_pecid=373ac375-9115-4d18-8a58-ce6098691e0a&directoryId=54e3852a84ae7c28725849d1&list=true](https://www.barnet.gov.uk/citizen-home/directories/Directories.html?_pecid=373ac375-9115-4d18-8a58-ce6098691e0a&directoryId=54e3852a84ae7c28725849d1&list=true)

Schools (including academies) are considered under the Freedom of Information Act (FOIA) to be public authorities in their own rights, and are subject to the FOIA in the same way as the council (albeit with different timescales to meet). It is therefore

correct that the council does not hold this information, and that individual schools would need to be contacted

The Local Authority collects data in line with Department for Education (DfE) categories for exclusion from school. At present, there is no specific category for weapons. However, exclusions for weapons are recorded under the 'other' category.

We are not able to report the data as you have requested because these numbers are so low and this could reveal the identities of a child, so we have grouped the data as follows:

**No. of permanent exclusions due to "other":**

<b>09/10</b>	-	*
<b>10/11</b>	-	*
<b>11/12</b>	-	*
<b>12/13</b>	-	*
<b>13/14</b>	-	10
<b>14/15</b>	-	11
<b>15/16</b>	-	*
<b>16/17</b>	-	10
<b>17/18</b>	-	*

\*Please note that we have omitted the data where the values are 5 or less as this could reveal the identities of children. We consider that this information is exempt under section 40 of FOIA. Please see the refusal notice below.

**Refusal Notice**

Section 40 FOIA sets out an exemption from the right to know if the information requested is personal information protected by the Data Protection Act 2018 (DPA).

The DPA which governs the processing of personal data and defines personal data "as any data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller."

Section 40 (2) FOIA exempts disclosure of information if such disclosure would contravene one of the data protection principles. This exemption is absolute and is not subject to the public interest test.

The first of the data protection principles requires that personal data is processed fairly and lawfully. It is our view that to disclose the withheld information would breach this principle, in particular, the requirement of fairness because the children have a reasonable expectation of privacy and do not expect that their personal information would be released in a response to a freedom of information request.

### **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.