

Derby City Council – Response
ID Reference FOI140688106
Date 01/02/2024

The 14/6/23 Cabinet report para 4.9.5 confirmed that the total spend for 22/23 for Out of authority placements was £17.7m.

1.Can you please provide a split of the £17.7m, by school, showing the number of placements in each school at the nearest reference point to 31 March 2023.

	2022-23	
School / Establishment	Placements	Cost nearest £ / year
Alderwasley Hall School	23	£1,586,708
Alfreton Park Special	S40(2) Personal data third party exemption applies- please see details below	£131,085
Aran Hall School		£299,400
Archbishop Temple CoE High School		£7,394
Armley Grange		£19,464
Ashbourne Hilltop		£7,378
Athena Fortuna School		£14,040
Bennerley Fields		£16,262
Birchwood Community High School		£15,900
Bladon House	18	£1,667,059
Brackenfield	59	£1,111,295
Bradley CE Primary	S40(2) exemption applies	£20,526
Brailsford CE Primary		£50,945
Breadsall CE Primary		£33,020
CAST Angling Project		£2,195
Cherry Trees School		£33,178

Clover Leys Spencer Academy		£10,493
Craegmoor Strathmore College Priory		£60,144
Crowle School		£12,251
Dawn House School		£41,914
Delves Infant and Nursery School		£11,991
Denstone College		£21,279
Derby Grammar School		£13,419
Derrymount Special		£9,519
Dovetree School		£135,017
Easthorpe School		£23,067
Eastwood Grange School	7	£537,050
Ecclesbourne	7	£42,393
Ellesmere College	S40(2) exemption applies	£15,155
Emmaus Church of England and Catholic Primary School		£12,407
Findern Primary School		£7,604
Fountaindale Special		£11,494
Fountains High School		£2,175
Fountains High Special	13	£148,495
Fountains Primary Special	15	£244,251
Haddon Primary	S40(2) Exemption applies	£4,654
Hardwick House School		£60,041
High Grange School	30	£2,537,214
Holbrook School for Autism	33	£724,698
Holly House School		£15,838
Hope House School		£115,613

Hopedale School	S40(2) exemption applies	£10,032
Jasmine Hall	6	£352,216
Jasmine House School	S40(2) exemption applies	£178,725
JCB Academy	5	£45,928
Kettlethorpe High	S40(2) exemption applies	£3,390
Kilburn Junior		£15,279
Lewis Charlton Learning Centre	15	£749,340
Little Eaton Primary	S40(2) exemption applies	£4,914
Long Eaton School		£19,704
Long Field Academy		£955
Longdon Park School	12	£563,293
Maple Hayes Hall School	S40(2) exemption applies	£20,646
Maple View School	9	£785,816
Milford Primary	S40(2) exemption applies	£19,003
Millgate House		£3,553
Mountfields House		£97,390
New Leaf		£18,160
Northgate School Arts College		£3,730
Oakwood Community School		£17,667
Old Vicarage School		£4,194
Options Kinsale		£9,108
Pegasus School		£107,748

Pollyteach		£33,638
Priory School		£22,667
Quorn Hall		£221,035
Rainbow Horses Learning Centre		£30,375
REAL Alternative Provision	S40(2) exemption applies	£28,382
Redhill Academy		£2,885
Rhymes Nursery		£4,500
Richardson Endowed Primary School		£6,140
Rowan Gate Primary		£10,794
RSDD	55	£1,592,796
Sale and Davys CofE Primary School		£8,844
Shenstone Lodge	S40(2) exemption applies	£25,050
South End Junior School		£2,978
Spires Academy		£3,974
Sporting Stars Academy		£43,420
Spring Valley School	6	£252,655
St Boltophs Primary		£2,756
St Edwards RC School		£10,324
St Giles Special - Retford	S40(2) exemption applies	£25,627
St John Houghton		£10,365
St John's C of E Primary		£8,774
St Oswald's CE Primary School		£12,860
St Vincent's School		£70,002
Stanton Vale	16	£219,213

Stenson Fields Primary	S40(2) exemption applies	£45,781
Sutherland House	13	£716,325
Swanwick School & Sports College	S40(2) exemption applies	£82,983
The Bridge House School		£69,333
The Gateway School		£29,729
The Linnet Independent Centre	8	£330,978
The Meadows	S40(2) exemption applies	£3,770
Thomas Russell Junior School		£7,311
Tower Learning Independent School		£22,000
Trinity College		£19,848
Tuxford Academy		£7,586
Waterloo Lodge School		£43,333
Westbourne School	8	£407,791
Westbury Special School	S40(2) exemption applies	£26,505
Weston on Trent CoE Primary School		£11,895
Wilds Lodge School		£196,314
Wolfdale School		£64,500
<i>Other costs related to out of authority placements</i>	-	£99,148

Section 40(2) Personal Data Third Party

This exemption applies to redactions in the Q1/Q2 tables because the numbers are below 5 and is considered personal data because it would identify the individual(s) on placement.

2.Can you provide the same split for 21/22 which was reported as a total of £15.443m including the number of school placements by school.

		2021-22
School / Establishment	Placements	Cost nearest £ / year
Alderwasley Hall School	24	£1,512,485
Alfreton Park Special	S40(2) exemption applies	£113,389
Aran Hall School		£299,400
Ashbourne Hilltop		£4,919
Ashbrook Junior School		£18,345
Athena Fortuna School		£13,898
Bennerley Fields		£21,480
Bladon House	15	£1,372,788
Brackenfield	46	£990,014
Bradley CE Primary	S40(2) exemption applies	£20,526
Brailsford CE Primary		£28,182
Breadsall CE Primary		£22,312
Brit School for Performing Arts		£9,867
CAST Angling Project		£2,195
Cherry Trees School		£28,534
Christchurch Primary School		£3,373

Cicely Haughton School		£11,309
Craegmoor Strathmore College Priory		£34,837
Crisp Alternative Provision		£26,500
Crowle School		£8,446
Dawn House School	S40(2) exemption applies	£50,297
Denstone College		£20,630
Derby Grammar School		£22,821
Derrymount Special		£27,936
Dovetree School		£85,853
Draycott Moor College		£14,582
Eastwood Grange School	5	£346,031
Ecclesbourne	8	£50,755
Ellesmere College	S40(2) exemption applies	£14,145
Emmaus Church of England and Catholic Primary School		£8,168
Findern Primary School		£4,000
Fountaindale Special		£11,494
Fountains High Special	9	£80,500
Fountains Primary Special	14	£215,931
Funabil8y Moving Forward	S40(2) exemption applies	£52,836
Hardwick House School		£55,000
High Grange School	32	£2,384,222
Hillcrest Shifnal School	S40(2) exemption applies	£44,041
Holbrook School for Autism	38	£718,868
Holly House School		£18,441

Hope House School	S40(2) exemption applies	£84,032
Hopedale School		£30,096
Jasmine Hall		£42,360
Jasmine House School	6	£321,364
JCB Academy	7	£38,347
Kettlethorpe High	S40(2) exemption applies	£1,674
Kilburn Junior		£15,279
Kinetic Academy		£45,000
Kisimul School		£33,233
Lewis Charlton Learning Centre	15	£878,200
Little Eaton Primary	S40(2) exemption applies	£14,742
Longdon Hall		£27,854
Longdon Park School	11	£514,365
Maple Hayes Hall School	S40(2) exemption applies	£16,410
Maple View School	6	£353,521
Milford Primary	S40(2) exemption applies	£6,255
Mount Stewart Junior School		£6,877
Oakwood Community School		£37,000
Old Vicarage School		£4,194
Pegasus School		£107,748
Pollyteach	S40(2) exemption applies	£26,429
Quorn Hall		£104,040
Rainbow Horses Learning Centre		£9,986
REAL Alternative Provision School		£33,333

Redgate Primary Academy	S40(2) exemption applies	£0
Rhymes Nursery		£4,500
Rowan Gate Primary		£10,659
RSDD	58	£1,334,051
SAAF Education	S40(2) exemption applies	£24,700
Shenstone Lodge		£24,737
Small Talk		£600
South End Junior School		£2,941
Spires Academy		£11,923
Sporting Stars Academy		£73,255
Spring Valley School	7	£129,370
St Edwards RC School	S40(2) exemption applies	£10,324
St Giles Special - Retford		£25,627
St John Houghton		£10,186
St John's C of E Primary		£11,672
St Vincent's School		£40,430
Stanton Vale	6	£97,288
Stenson Fields Playgroup	S40(2) exemption applies	£4,914
Stenson Fields Primary		£9,660
Sutherland House	15	£741,871
Swanwick School & Sports College	S40(2) exemption applies	£22,877
TCES North West London School		£64,000
Teaching Personnel	6	£8,435
The Bridge House School		£16,666
The Gateway School		£29,729

The Linnet Independent Centre	S40(2) exemption applies	£232,234
The Shires		£25,976
Trinity College		£19,848
Tuxford Academy		£7,586
Two Rivers Primary		£11,394
Tyldesley School		£22,004
Westbourne School	9	£257,156
Weston on Trent CoE Primary School	S40(2) exemption applies	£7,930
Wilds Lodge School		£100,000
Willows Linnet		£41,653
Wolfdale School		£11,881
Woodbury School		£40,950
Westbury Special School		£79,515
<i>Other costs related to out of authority placements</i>	-	£352,771

Section 40(2) Personal Data Third Party

This exemption applies to Q1/Q2 tables because the numbers are below 5 and is considered personal data because it would identify the individual(s) on placement.

In coming to this decision about not disclosing numbers below 5 the Council has taken into account ICO Decision notices [ICO Decision notice FS50543792](#) , [FS50325923](#) and the [ICO Anonymisation: managing data protection risk code of practice](#).

Under section 40(2) by virtue of section 40(3)(a)(i), personal data of a third party can be withheld if it would breach any of the data protection principles to disclose it.

Personal data is defined in section 1(1) of the Data Protection Act (DPA) as: 'data which relate to a living individual who can be identified –

- (i) from those data, or
- (ii) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of

opinion about the individual and any indication of the intention of the data controller or any other person in respect of the individual.'

The two main elements of personal data are that the information must 'relate' to a living person and that the person must be identifiable. Information will relate to a person if it is about them, linked to them, has some biographical significance for them, is used to inform decisions affecting them, and has them as its main focus or impacts on them in any way.

Derby City Council has taken into account the reasoning in the Information Commissioner Decision FS50543792.

The Commissioner considered the information and the number of individuals involved and concluded that if the Council were to disclose the exact number in each category, particularly if the numbers for any were one, it could be possible to identify the individuals concerned.

In addition, the Commissioner recognises that other individuals, such as parents at schools or Council employees may be able to identify individuals. Therefore, on the balance of probabilities, the Commissioner accepts the information is personal data.

The Council also considers a determined individual with other knowledge about the placements would be able to use the low numbers in an attempt to re-identify the individuals.

The Council has disclosed the school/establishment details and teachers/administrative staff would have access to school records that could be used identify the age, gender, ethnicity of the individuals and other pupils would be able to identify the relevant individual's through day-to-day interactions with class mates which could include the individuals on placement which could be passed onto to interested parent.

We have also considered whether disclosure of the personal data would breach the first data protection principle, which states that: '*Personal data shall be processed fairly and lawfully.*' In considering the first data protection principle and in particular the fairness of disclosure we have considered the relevant factors below.

Likely expectation of the data subject

In relation to the individual's on placement we are of the view that it would be unfair and the data subjects would have legitimate expectation that the Council would not disclose information into the public domain that would be used to identify them, given that disclosure under FOI is to world at large.

There is also no lawful basis for disclosing the personal data into the public domain.

The legitimate public interest

We accept that releasing this information would reinforce the Council's commitment to being an open and transparent organisation, serving to maintain public confidence in the Council, there is therefore a public interest in this information being disclosed.

However, on balance we do not consider that the legitimate public interest would outweigh the interests of the data subjects in this case and that it would not be fair to put this information in the public domain. Disclosure could cause unwarranted harm to the interests of the individuals given that disclosure under the Freedom of Information Act is disclosure to the world at large.

Based on the above we are therefore of the view that it would not be fair to disclose the requested information and to do so would breach the first Data Protection principle, which requires us to process personal data fairly and lawfully.

It is for this reason outlined above that the Council has withheld placement numbers less than 5 under Section 40(2) by virtue of section 40(3)(a)(i) of the Act.

Please note, the following applies, if the response includes council officers (or other officers) names.

If you are a company that intends to use the names and contact details of council officers (or other officers) provided for direct marketing, you need to be registered with the Information Commissioner 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

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.