



**Education Resources**  
Executive Director **Tony McDaid**  
**Head of Education**

Ms Elaine Miller  
[Request-384153-7e094d99@whatdotheyknow.com](mailto:Request-384153-7e094d99@whatdotheyknow.com)

**Our ref:** EDU/FOI/2017/23a  
**Your ref:**  
**If calling ask for:** Molly Magee  
**Phone:** 01698 454512  
**Date:** 23 February 2017

Dear Ms Miller

**Freedom of Information (Scotland) Act 2002**  
**Request for Information**

Thank you for your request for information, received on 24 January 2017 and your clarification of your request, received on 28 January 2017. Your request has been dealt with in accordance with the Freedom of Information (Scotland) Act 2002.

Please find listed below your request for information and our response:

**From your request of 24 January 2017:**

1. **The total number of students attending local authority High Schools in your area.**
2. **For the academic years 2014/15/ 2015/16 and 2016/17 to date please specify per High School:**
  - a. **Number of students per high school, per year and for S3 and above the total number of pupils per subject.**
  - b. **The FTE teaching requirements for each department, including science subjects; Please breakdown this FTE teaching requirement per science subject.**
  - c. **The FTE teaching shortages in each department. Please disregard staff that fill in but do not have a specific teaching qualification in the subject they are filling in for.**

As your new request updates and amends the one above, we have responded to the updated request below.

**From your email of 28 January 2017:**

1. **The total number of pupils attending ALL local authority High Schools in your area.**

I can confirm that the secondary school pupil roll for 2016/17 as at the September pupil census was 18579 pupils. Please refer to table 1 for a breakdown of total pupil rolls per school.
2. **For the academic years 2014/15/ 2015/16 and 2016/17 to date please specify per High School within your local authority:**
  - a. **Number of pupils per high school, per subject for S3 and above,**

In response to the above request, I can advise you that our pupil information management system does not store historical data on number of pupils per high school, per subject for S3 and above. Accordingly, Section 17 of FOISA (information not held) applies to this part of your request.

In respect of data for 2016/17, I can provide a table showing number of pupils per subject. Please refer to table 2 (attached) for this information. This is a spreadsheet which has been formatted to print each school separately (58 pages when printed).

Council Offices, Almada Street, Hamilton ML3 0AE Phone: 01698 454512 Fax: 01698 454465  
Text Phone: 01698 454039 Email: [Des.Dickson@southlanarkshire.gcsx.gov.uk](mailto:Des.Dickson@southlanarkshire.gcsx.gov.uk)



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Please note, however, that some information has been removed from the spreadsheet where numbers are so low as to lead to the identification of individual pupils. Where the figure is less than 5, this has been replaced with an asterisk (\*).

The Council is of the view that this information is exempt from disclosure under FOISA, the relevant exemption is:

- ❖ The information amounts to personal information which relates to another person and the disclosure of the information to you would breach the data protection principles laid down by the Data Protection Act 1998 (section 38(1)(b) and (2)(a)(i) or (2)(b)).

***How the exemption applies to the information being withheld***

The Council considers that the requested information is personal data as defined by the Data Protection Act 1998 ("the DPA"). Personal data is defined within the DPA as "data which relate to a living individual who can be identified:

- a. from those data, or
- b. from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller..."

Consequently, in order to be personal data, the information must:

- be about a living individual, and
- relate to that individual, i.e. tell something or be used in some way regarding the individual concerned.

The information you have requested is considered personal data as it is about living individuals and relates to the number of pupils listed by subject and pupil year broken down by individual school. As a result of giving such detail, some numbers are so low that individual young people can be identified from that information.

As you have requested information that consists of the personal data of someone else, the Council must be satisfied that it can provide the personal data without breaching one of the rules set down in the Data Protection Act 1998. These rules are called the data protection principles. In cases such as this the relevant principle to be considered is the first data protection principle. The first data protection principle states that the disclosure of the information to you must be

- fair and
- lawful (and in particular meet a condition set down in Schedule 2, and if the information is sensitive personal data, a condition set down in Schedule 3, to the Data Protection Act).

It is the practice of the Scottish Information Commissioner to consider whether disclosure of the information would be lawful in relation to meeting a processing condition before looking at the more general principles of fairness and lawfulness. This Council adopts the same approach.

**Meeting a condition set down in Schedule 2 of the DPA?**

As the Council has not sought the consent of individuals concerned, the only relevant condition is Condition 6. This condition must be met regardless of whether the personal data is either personal data or sensitive personal data.

It states that the processing (the disclosure to you) is necessary for the purposes of legitimate interests pursued by you, except where the processing (i.e. the disclosure) is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the employee or other person concerned.

Consequently, the Council has to consider

1. do you have a legitimate interest in obtaining this personal data (or is there a relevant public interest)?
2. if yes, is the disclosure necessary to achieve these legitimate interests? and
3. even if the processing is necessary for the legitimate interests of the requestor, would the disclosure nevertheless cause unwarranted prejudice to the rights and freedoms or legitimate interests of the data subject?

**Do you have a legitimate interest in obtaining this personal data (or is there a relevant public interest)?**

The Council has considered the context of your request to determine if there is an indication that you have expressed a legitimate interest in receiving personal data relating to the number of pupils per stage and per subject broken down by school name.

The Council recognises your general right to request information under the terms of FOISA, however, there is no indication of why personal information relating to these pupils broken down by pupil stage, individual school and subject would be of a personal interest to you.

As your personal interest cannot be identified, the Council must consider if there is a relevant public interest in relation to the release of this information. The Council is of the view that the public interest would not be served in terms of scrutiny or accountability by releasing this information into the public domain to the level of detail requested. The individuals concerned would not expect their personal information to be released into the public domain.

Accordingly, as there is no evidence of a legitimate personal or public interest then this part of the condition cannot be met and therefore the Council is refusing this part of your request for information.

**b. The FTE teaching requirements for each department, including science subjects in order to teach these pupils.**

I understand the timescale for this request to be the same as that of requests 1 and 2.

I can advise you that information on departmental teaching requirements changes constantly. It is not centrally recorded by the Council nor is it held on a historical basis. Accordingly, Section 17 of FOISA (information not held) applies to data on departmental teaching requirements for secondary schools during school sessions 2014/15 and 2015/16.

In respect of data for 2016/17, I can advise you that this information is not centrally recorded by the Council as stated above. Accordingly, Section 17 of FOISA (information not held) applies to this part of your request. I can, however, provide information from the annual teacher census which records the staffing complement for each secondary school in line with their respective timetabling requirements as at the date the census was taken (September). This information is reported to the Scottish Government and is available from their website:

- <http://www.gov.scot/Topics/Statistics/Browse/School-Education/teachcenssuppdata>

In order to gather information on teaching requirements per school as requested, the Council would be required to instruct its 17 secondary schools to undertake a task. Each school will calculate their respective requirements depending on the following factors:

- The number of classes offered in each subject in accordance with national agreement on class size maximums (for science subjects i.e. this is 20 pupils per class).
- The number of subjects offered at award level (this ranges from 6 to 8 as determined by individual schools).
- The number of periods offered per subject (dependent on the above).
- Requirements based on minimum staffing to cover the school timetable or staffing allocation as determined by the Head Teacher.

The Council will not deal with your request in relation to information that it holds because, if it did so, it would incur excessive costs. These costs relate to locating, retrieving and providing the requested information to you. Please refer to the exempt information text below for full details of the exemption.

**c. Please breakdown this FTE teaching requirement per science subject (i.e. Chemistry, Physics & biology and any other general science subject for S1 & S2.**

Please refer to our response to Question 2b.

- d. **Please breakdown this FTE teaching requirement per science subject (i.e. Chemistry, Physics & biology and any other general science subject for S3, S4, S5, S6.**  
Please refer to our response to Question 2b.
- e. **Please supply a breakdown of any FTE teaching shortages in each department. Please disregard staff that fill in or cover classes but do not have a specific teaching qualification in the subject they are filling in or covering for.**

I understand the timescale for this request to be that of requests 1 and 2, I can advise you that information on departmental vacancies changes constantly and is not held on a historical basis. Accordingly, Section 17 of FOISA (information not held) applies to data on departmental vacancies for secondary schools during school sessions 2014/15 and 2015/16. In respect of data for 2016/17, I can advise you that one vacancy has been advertised for a teacher of Chemistry, however, the Council has no current vacancies for science subjects.

The Council has interpreted the term “shortages” to relate to vacant posts and long term or short term absence due to illness, maternity/paternity leave or staff absence for other reasons. This information changes on a daily basis and is not held historically by the Council or within individual schools. In order to gather information on staff shortages for individual schools per subject as a snapshot in time i.e. the current position, each school would be required to undertake an administrative task to determine the staffing position for each subject on the day the task was undertaken.

The Council will not deal with your request in relation to information that it holds because, if it did so, it would incur excessive costs. These costs relate to locating, retrieving and providing the requested information to you. Please refer to the exempt information text below for full details of the exemption.

### **Exempt information**

#### ***Excessive Cost Refusal in terms of section 12 of FOISA***

In order to gather the information requested in Questions 2b, 2c, 2d and 2e, the Council would be required to instruct its 17 secondary schools to undertake a large administrative task.

#### ***How the costs are calculated***

The Council has estimated the time taken to undertake each task and this has been broken down on the attached Cost Refusal Note.

As it would cost the Council over £600 to deal with your request, it does not have to give the information to you. Accordingly, the Council is refusing this part of your request.

### **Request for Review**

The Council has an internal panel (the review panel) to deal with complaints from people who are not happy about the way that their request has been dealt with. Staff not involved in the original decision will handle any review. If you want to complain about how we have handled your request for information, you can ask the review panel to reassess our actions. Please note that if you wish to complain, you must do so by 19 April 2017. In requesting a review, it would be helpful if you could quote the reference number found at the top of this letter and state the matter which has given rise to your dissatisfaction. You should send your request for a review to:

- Mr. W. Dunn, Information Compliance Manager, Finance and Corporate Resources, Floor 13, Council Offices, Almada Street, Hamilton, ML3 0AA.

Alternatively, you can request a review at [foi.reviews@southlanarkshire.gov.uk](mailto:foi.reviews@southlanarkshire.gov.uk).

Please note that the review panel can only assess the way we have handled requests for information. It cannot consider complaints about delivery of a service or any decisions made by the Council or its authorised employees. If your complaint relates to one of these matters, you should contact the Resource responsible.

Should you not be satisfied with the outcome of our review, you will then have the right to appeal to the Scottish Information Commissioner. The Commissioner will decide whether your request has been dealt with properly, in accordance with the Act. The Commissioner's contact details are as follows:

- Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife KY16 9DS; Telephone: 01334 464610; Fax: 01334 464611; e-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

For further details, please see the Commissioner's website at [www.itspublicknowledge.info](http://www.itspublicknowledge.info).

Yours sincerely

**Des Dickson**  
**Head of Education (East Kilbride)**

### Excessive cost refusal note

Requests for Information - FOISA			Request Reference Number:					
Estimated Costs Calculation			EDU-FOI-2017-23a					
Staff costs		Staff type (e.g. Post Title / Spinal Point)	Task required	Time (hours)	Rate £	Total £		
		Senior management team member	Question 2b Details of FTE teaching requirements per department - estimated at 30mins per school x 17 secondary schools = 8.5hrs	8.5	15	127.50		
		Senior management team member	Question 2c Breakdown of FTE teaching requirements per science subject per pupil stage S1 and S2 - estimated at 40mins per school x 17 secondary schools = 8.5hrs	12	15	180.00		
		Senior management team member	Question 2d Breakdown of FTE teaching requirements per science subject per pupil stage S3, S4, S5 and S6 - estimated at 1hr per school x 17 secondary schools = 17hrs	17	15	180.00		
		Senior management team member	Question 2e Breakdown of FTE teaching shortages in each department - estimated at 40 minutes per school x 17 secondary schools = 12hrs	12	15	180.00		
Staff cost total							£667.50	A
Non-staff costs		Detail			Cost			
	1							
Non-staff cost total							£0.00	B
		Total Estimated Cost (A + B)						£667.50