

From: Foi Enquiries
Sent: 01 May 2019 14:39
To: [REDACTED]
Subject: FOI-19-0434 - Inappropriate Relationships
Attachments: V3 - Further Information - Right to Review & Appeal.pdf

Dear [REDACTED],

Thank you for your clarified information request of 3 April 2019. Aberdeen City Council (ACC) has completed the necessary search for the information requested. Our response is now detailed below.

I would like to make a FOI request in relation to the following information, with a statistical breakdown highlighting the following that has occurred within your council. For clarification the relationships that I am making the FOI about are those between the adult/pupil.

1. The total number of reported inappropriate relationships and child sexual abuse cases that occurred in State schools from 1983 to present day.

ACC can only provide information based on our database of cases (2011 to present) which went through an official disciplinary procedure. The response to this question is less than 5 (i.e. <5).

ACC is unable to provide you with information on **the exact number of reported inappropriate relationships and child sexual abuse cases that occurred in State schools from 2011 to present day**, as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing this part of your request under the terms of Section 38(1)(b) in conjunction with Section 38(2A)(a) – Personal Information - of the FOISA.

In making this decision ACC considered the following points:

ACC is of the opinion that Section 38(1)(b) applies to the information specified above as the information in question is personal information relating to living individuals, of which the applicant is not the data subject.

ACC is of the opinion that Section 38(2A)(a) applies, as we consider that disclosure of this information would be a breach of the 'lawfulness, fairness and transparency' principle. Given the small number of cases since 2011, it is likely that other people could combine this exact figure with any other information which is already publicly known about the cases to work out the identify of those individuals involved. These individuals have not consented to the disclosure of information about them and ACC does not consider that they would expect ACC to release this information about them into the public domain under the FOISA.

ACC is unable to provide you with information on **the number of reported inappropriate relationships and child sexual abuse cases that occurred in State schools prior to 2011** as it is not held by ACC. In order to comply with its obligations under the terms of Section 17 of the FOISA, ACC hereby gives notice that this information is not held by it.

2. The total number of reported inappropriate relationships and child sexual abuse cases that occurred in state schools from 1983 to present day that led to:

Please see below:

1. Prosecutions

This information is not held by ACC. Information on prosecutions would be information held by the Police, Procurator Fiscal or the Court.

ACC is unable to provide you with information on **the total number of reported inappropriate relationships and child sexual abuse cases that occurred in state schools from 1983 to present day that led to prosecutions**, as it is not held by ACC. In order to comply with its obligations under the terms of Section 17 of the FOISA, ACC hereby gives notice that this information is not held by it.

If you would like to make an information request to Police Scotland, the contact details are available at the following weblink: <https://www.scotland.police.uk/access-to-information/freedom-of-information/>

The contact details for the Crown Office & Procurator Fiscal Service are available at: <http://www.copfs.gov.uk/freedom-of-information>

The contact details for the Scottish Courts and Tribunals are available at: <https://www.scotcourts.gov.uk/about-the-scottish-court-service/contact-us/freedom-of-information>

2.Convictions

This information is not held by ACC. Information on convictions would be information held by the Police, Procurator Fiscal or the Court.

ACC is unable to provide you with information on **the total number of reported inappropriate relationships and child sexual abuse cases that occurred in state schools from 1983 to present day that led to convictions**, as it is not held by ACC. In order to comply with its obligations under the terms of Section 17 of the FOISA, ACC hereby gives notice that this information is not held by it.

3.Dismissals

Please note that ACC can only provide information based on our database of cases (2011 to present) that went through an official disciplinary procedure. The response to this question is Nil (i.e. 0).

ACC is unable to provide you with information on **the total number of reported inappropriate relationships and child sexual abuse cases that occurred in state schools prior to 2011 that led to convictions**, as it is not held by ACC. In order to comply with its obligations under the terms of Section 17 of the FOISA, ACC hereby gives notice that this information is not held by it.

4. Suspension of duty or disciplinary action

Please note that ACC can only provide information based on our database of cases (2011 to present) which went through an official disciplinary procedure.

ACC is unable to provide you with information on **the total number of reported inappropriate relationships and child sexual abuse cases that occurred in state schools prior to 2011 that led to suspension of duty or disciplinary action**, as it is not held by ACC. In order to comply with its obligations under the terms of Section 17 of the FOISA, ACC hereby gives notice that this information is not held by it.

With regards to information from 2011 to present, ACC is unable to provide you with information on **the total number of reported inappropriate relationships and child sexual abuse cases that occurred in state schools from 2011 to present that led to suspension of duty or disciplinary action** as the cost of providing it has been calculated as being in excess of the statutory maximum (£600). To explain this, an ACC officer would have to check over 2,000 employee files to provide a response. This is because the data held does not break down into sub-categories of allegations of “inappropriate relationships” or “child sexual abuse” incidents. To fully respond to this query, the cost would approximately be 2,000 files x 15 minutes = 500 hours at £15 per hour = £7,500 in total.

In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby give notice that we are refusing your request under the terms of Section 12 - Excessive Cost of Compliance - of the FOISA.

ACC would be happy to discuss ways in which you may refine your request, so we can provide some information of interest to you within the maximum cost limits. Please do contact the Access to Information team, who will be happy to advise you, if this is something you would like to pursue.

3. The total number of inappropriate relationships, child sexual abuse cases that have been reported occurring in state governed faith schools.

Nil (i.e. 0). Please note that ACC can only provide information based on our database of cases (2011 to present) which went through an official disciplinary procedure.

ACC is unable to provide you with information on **the total number of inappropriate relationships, child sexual abuse cases that have been reported occurring in state governed faith schools prior to 2011**, as it is not held by ACC. In order to comply with its obligations under the terms of Section 17 of the FOISA, ACC hereby gives notice that this information is not held by it.

4. The job titles of staff accused within the schools e.g. classroom assistant, teacher, janitor.

With regards to the response to Question 1 above (<5), ACC is unable to provide you with information on **the job titles of staff accused within the schools e.g. classroom assistant, teacher, janitor**, as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing this part of your request under the terms of Section 38(1)(b) in conjunction with Section 38(2A)(a) – Personal Information - of the FOISA.

In making this decision ACC considered the following points:

ACC is of the opinion that Section 38(1)(b) applies to the information specified above as the information in question is personal information relating to living individuals, of which the applicant is not the data subject.

ACC is of the opinion that Section 38(2A)(a) applies, as we consider that disclosure of this information would be a breach of the 'lawfulness, fairness and transparency' principle. Given the small number of cases since 2011, it is likely that other people could use the job title, together with any other information in the public domain (including other people's knowledge about the case), to work out the identity of the individuals involved. These individuals have not consented to the disclosure of information about them and ACC does not consider that they would expect ACC to release this information about them into the public domain under the FOISA.

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

ACC handled your request for information in accordance with the provisions of the Freedom of Information (Scotland) Act 2002. Please refer to the attached PDF for more information about your rights under FOISA.

We hope this helps with your request.

Yours sincerely,

Anna Buchan
Access to Information Officer

Anna Buchan | Access to Information Officer
Aberdeen City Council | Access to Information Team | Customer Feedback | Customer
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Marischal College | 3 Floor | Broad Street | Aberdeen | AB10 1AQ

Dial: 01224 522166

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC