

5 August 2019
Our ref: 5458628

Thank you for your request received on 11 July 2019, for the following information:

Under the Freedom of Information Act, I would like to request details regarding the information on the table below, in relation to your Education Head and Care Plan's (EHCP's).

Total 2018 calendar year, Jan 19, Feb 19, Mar 19, April 19, May 19, June 19, TOTAL

- 1, Number of requests to assess for an Education Health and Care Plan recieved**
- 2, Number of requests accepted**
- 3. Number of requests declined**
- 4, Number of appeals to tribunal**
- 5, Number of appeals settled before tribunal**
- 6, Number of appeals found in favour of parent/carer**
- 7, Number of appeals found in favour of Local Authority**

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

Response

Under the Freedom of Information Act, I would like to request details regarding the information on the table below, in relation to your Education Head and Care Plan's (EHCP's).

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Please see the table below.

Please note that we are not able to report the data as you have requested because these numbers are so low and this could reveal the identity of a child, so we have grouped the data as follows. We consider this exempt under Section 40 of FOIA

	Total 2018 calendar year	Jan - June 2019
Number of requests to assess for an Education Health and Care Plan received	492	294
Number of requests accepted	300	167
Number of requests declined	0	*
Number of appeals to tribunal	71	42
Number of appeals settled before tribunal	37	26
Number of appeals found in favour of parent/carers	27	14
Number of appeals found in favour of the local authority	7	*

*less than five

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 1998 (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

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. 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). There is no charge for making an appeal.