

27 September 2019

Our ref: 5605772

Thank you for your request received on 5 September 2019, for the following information:

I am writing to you under the Freedom of Information Act 2000 to request the following information.

In total, how many times has the council been taken to the Special Educational Needs and Disability (SEND) Tribunal in relation to a child's education, health and care (EHC) needs assessment or an EHC plan over the last five years (September 2014 to September 2019)?

Of these cases how many were for a refusal to:

- * assess a child's EHC needs**
- * make a statement of their special educational needs**
- * reassess their special educational needs**
- * create an EHC plan**
- * change what's in a child's special educational needs statement or EHC plan**
- * maintain the statement or EHC plan**

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

Response

I am writing to you under the Freedom of Information Act 2000 to request the following information.

In total, how many times has the council been taken to the Special Educational Needs and Disability (SEND) Tribunal in relation to a child's education, health and care (EHC) needs assessment or an EHC plan over the last five years (September 2014 to September 2019)?

Of these cases how many were for a refusal to:

- assess a child's EHC needs***
- make a statement of their special educational needs***
- reassess their special educational needs***
- create an EHC plan***
- change what's in a child's special educational needs statement or EHC plan***
- maintain the statement or EHC plan***

No information held for 2014 – 2016

2016 – 2017: 30
2017 – 2018: 43
2018 – 2019: 71
2019 – Present: 72

Please note it is not possible to break down the information into the categories requested due to the time it would take to complete. In order for us to determine this information we would need to read the case notes for each appeal. From September 2016 to present, there have been 216 appeals to the SEND Tribunal. We estimate it would take approximately 10 minutes to read each appeal and determine the grounds for refusal.

Therefore, 216 (cases) x 10 minutes = 2,160 minutes (36 hours)

We have therefore decided to refuse your request, please see Refusal notice (Section 12) below.

Refusal Notice

Section 12 of FOIA states that the council does not have to comply with a request for information if the cost of compliance exceeds the appropriate limit of £450 calculated at £25 per hour with a limit of 18 hours. The appropriate limit relates strictly to the process of determining whether the information is held; locating, retrieving and extracting the information, or a document containing it.

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.