

28 October 2019

Our ref: 5720916

Thank you for your request received on 18 October 2019, for the following information:

I would like to request the following under the Freedom of Information act.

Please could you tell me:

For each of the academic years 2017/18 and 2018/19

Initial requests:

:: The number of initial requests for an assessment for an Education Health and Care (EHC) plan

:: The number of requests for assessment the authority agreed to assess and the number that were refused.

:: In cases where the initial request for assessment was refused, how many were agreed at a later date following mediation or appeal?

:: How many applications for assessment were refused two or more times before they were agreed at a later date following mediation or appeal?'

Assessments:

:: How many EHC plans were approved following assessment and how many were denied

:: Of the EHC plans denied, how many were successfully appealed and how many were denied

:: How many EHC plans were deemed not necessary (following assessment) two or more times before they were agreed at a later date following mediation or appeal?'

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

Response

For each of the academic years 2017/18 and 2018/19

Initial requests:

:: The number of initial requests for an assessment for an Education Health and Care (EHC) plan

2017/18: 471

2018/19: 517

:: The number of requests for assessment the authority agreed to assess and the number that were refused.

2017/18

Agreed: 294

Refused: 175

2018/19

Agreed: 346

Refused: 168

In cases where the initial request for assessment was refused, how many were agreed at a later date following mediation or appeal?

20

How many applications for assessment were refused two or more times before they were agreed at a later date following mediation or appeal?"

0

Assessments:

:: How many EHC plans were approved following assessment and how many were denied

2017/18

Approved following assessment: 287

Denied following assessment: *

2018/19

Approved following assessment: 255

Denied following assessment: *

:: Of the EHC plans denied, how many were successfully appealed and how many were denied

None

:: How many EHC plans were deemed not necessary (following assessment) two or more times before they were agreed at a later date following mediation or appeal?"

None

* less than five.

Please note that we have omitted the data where the values are 5 or less as this could reveal the identities of the children. We consider that this information is exempt under section 40 of FOIA. Please see the refusal notice below.

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.

