

26 March 2020
Our ref: 6193888

Thank you for your request received on 17 March 2020, for the following information:

- 1. How many First-tier Tribunal (Special Educational Needs and Disability) cases have been instituted in each calendar year (1st September ' 31st August) from 2014 to 2019 inclusive?**
- 2. Of these Tribunal cases, how many in each year were settled between you and the appellant prior to the tribunal date, for the above years?**
- 3. Of all instituted SEND First Tier Tribunal cases, how many related to:**
 - a. Refusal to secure an Education Health and Care Plan assessment?**
 - b. Content of the Education Health and Care Plan**
- 4. How many SEND mediation cases were held during the calendar years (1st September - 31st August) 2013-2019 inclusive?**
- 5. How many SEND mediation cases resulted in financial legal settlements and/or re-location fees made to parents/guardians of children and young people with SEND during the years 2013-2019 inclusive?**
- 6. What was the total cost of financial legal settlements and/or re-location fees, resulting from SEND mediation cases, made to parents/guardians of children and young people with SEND during the calendar years (1st September - 31st August) 2013-2019 inclusive?**

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

Response

1. How many First-tier Tribunal (Special Educational Needs and Disability) cases have been instituted in each calendar year (1st September – 31st August) from 2014 to 2019 inclusive?

2014-2015- no data

2016- 30 appeals

2017-43 appeals

2018- 71 appeals

2019 (up to sept 19)- 72 appeals

2. Of these Tribunal cases, how many in each year were settled between you and the appellant prior to the tribunal date, for the above years?

2016 - 9

2017 - 21

2018- 46

2019- 55

3. Of all instituted SEND First Tier Tribunal cases, how many related to:

a. Refusal to secure an Education Health and Care Plan assessment?

b. Content of the Education Health and Care Plan

In respect of your recent enquiry for information under the provisions of the Freedom of Information Act, the information that you asked for cannot be provided within the statutory 18 hour limit because we would need to read every child's Education Health Care Plan (EHCP).

We would have to read 210 children's files. It would take approximately 15 minutes to review each case. 210 (records) x 15 (minutes) = 3,150minutes (53 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.

4. How many SEND mediation cases were held during the calendar years (1st September - 31st August) 2013-2019 inclusive?

2016 -*

2017 -7

2018 - *

2019- *

* 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.

5. How many SEND mediation cases resulted in financial legal settlements and/or re-location fees made to parents/guardians of children and young people with SEND during the years 2013-2019 inclusive?

None

6. What was the total cost of financial legal settlements and/or re-location fees, resulting from SEND mediation cases, made to parents/guardians of children and young people with SEND during the calendar years (1st September - 31st August) 2013-2019 inclusive?

None

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.