

21 July 2020  
Our ref: 6428052

Thank you for your request received on 11 July 2020, for the following information:

**I am writing to you under the freedom of information act 2000 to request the following information from you:**

**How many requests for EHCP assessments have been made in 23/07/2018-23/07/2019?**

**How many plans were created in this period**

**How many assessments were refused at initial request?**

**How many plans were released after the statutory 20 week deadline?**

**How much was spent on EHCP mediation during 23/07/2018-23/07/2019?**

**How many EHCP mediation sessions were completed?**

**How many applications for appeal to first tier tribunal regarding change to content or name of provision in an EHCP were lodged during 23/07/2018-23/07/2019?**

**How many first tier tribunals went ahead?**

**How many were in favour of the LA?**

**What was the cost to the LA of processing the paperwork involved with, and attending tribunals during 23/07/2018-23/07/2019?**

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

## **Response**

Please note the figures relating to mediation do not provide a full picture as the dates requested as in the middle of a tribunal year.

**1. How many requests for EHCP assessments have been made in 23/07/2018-23/07/2019?**

529 – This counts all assessments including re-assessments and tribunals.

## **2. How many plans were created in this period**

299 – Please note that these cases are not the same as indicated in Q1. A request received before the time *frame can be finalised in it.*

## **3. How many assessments were refused at initial request?**

165 - Please note that these cases are not the same as indicated in Q1. A request received before the time frame can be refused in it .

## **4. How many plans were released after the statutory 20 week deadline?**

38 – Plans finalised after 20 week deadline (exceptions included)

14 – Plans finalised after 20 week deadline (exceptions excluded)

## **5. How much was spent on EHCP mediation during 23/07/2018-23/07/2019?**

£7030

## **6. How many EHCP mediation sessions were completed?**

17 Information Mediations

\* Formal Mediations

\*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.

7. How many applications for appeal to first tier tribunal regarding change to content or name of provision in an EHCP were lodged during 23/07/2018-23/07/2019?

78

8. How many first tier tribunals went ahead?

15 – B, F and I appeals only

## **9. How many were in favour of the LA?**

13

## **10. What was the cost to the LA of processing the paperwork involved with, and attending tribunals during 23/07/2018-23/07/2019?**

We do not keep detailed records of time spent on individual cases. Costs for this activity are not recorded as a separate entity and are therefore unable to specify.

## **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](http://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](mailto: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](http://www.ico.org.uk)). There is no charge for making an appeal.