

26 August 2020
Our ref: 6479604

Thank you for your request received on 5 August 2020, for the following information:

- Freedom of Information Act Request -

In line with the provisions of the Freedom of Information Act 2000, I would be most grateful if you would provide the following information requested below.

1. How many EHC plans does the local authority maintain for pupils with a visual impairment (VI)?
2. How many of the above students, who are in secondary school or above, attend a maintained mainstream setting?
3. How many students with EHC plans for whom Barnet is responsible attend a maintained special school or non-fee-paying special academy outside of Barnet? Please split according to primary vs secondary and beyond phases of schooling.
4. Does the local authority transport any children or young people with EHCPs outside of borough to attend education? If so, how is this usually organised?
5. For children or young people with EHCPs the local authority pays to transport out of borough, what is the average cost the local authority pays per child or young person?
6. Using its normal method of transporting children or young people outside of borough to learn, how much would it standardly cost to transport a child to and from Joseph Clark School, E4 9PP, from XXX?
7. In case it was a different method suggested, please detail the estimated cost (using current arrangements with taxi firms driving to similar areas) for transporting a child to and from Joseph Clark School, E4 9PP, from XXX ' please give the cost with or without a chaperone.

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

Response

1. How many EHC plans does the local authority maintain for pupils with a visual impairment (VI)?

40

2. How many of the above students, who are in secondary school or above, attend a maintained mainstream setting?

Please note that we have omitted the data as the values are 5 or less and 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.

3. How many students with EHC plans for whom Barnet is responsible attend a maintained special school or non-fee-paying special academy outside of Barnet? Please split according to primary vs secondary and beyond phases of schooling.

52

Please note we have not separated into the categories requested as to do so may lead to a child being identified.

We consider that this information is exempt under section 40 of FOIA. Please see the refusal notice below.

4. Does the local authority transport any children or young people with EHCPs outside of borough to attend education? If so, how is this usually organised?

Parents/ Vehicle only supplied by the council, Driver and PA supplied by the Council and public transport

5. For children or young people with EHCPs the local authority pays to transport out of borough, what is the average cost the local authority pays per child or young person?

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 as each cost is determined individually according to each Child/Young Person's circumstances. We would need to read every child's Education Health Care Plan (EHCP) who is in receipt of assisted transport and determine the factors involved.

For this we would need to read the EHCP's of the 861 CYP who are in receipt of assisted transport.

It would take approximately 10 minutes to review each case. 861 files x 10 minutes = 8,610 minutes (143.5 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.

6. Using its normal method of transporting children or young people outside of borough to learn, how much would it standardly cost to transport a child to and from Joseph Clark School, E4 9PP, from XXX XXX?

Please note that we have omitted this data 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. In case it was a different method suggested, please detail the estimated cost (using current arrangements with taxi firms driving to similar areas) for transporting a child to and from Joseph Clark School, E4 9PP, from XXX XXX ' please give the cost with or without a chaperone.

Please see above.

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.