

London Borough of Barnet,
2 Bristol Avenue,
Colindale, NW9 4EW
15 November 2021
Our ref: 7744796

Thank you for your request received on 19 October 2021, for the following information:

1.The number of appeals against education, health and care plans (EHCPs) registered against your local authority since 2015. Please can this be broken down by academic year.

2.Please can I get a breakdown of the appeals by type (for example, refusal to secure an EHC assessment, refusal to make an EHC plan etc), the nature of educational need and the ages of the children, all broken down by academic year and on separate tabs in the spreadsheet.

3.Of those appeals registered, how many proceeded to a tribunal hearing per year?

4.Of those that went to a tribunal hearing, what were the outcomes? How many saw the decision upheld by the tribunal and how many saw the decision in favour of the appellant? Can this please be broken down by year.

5.How many of these appeals are still outstanding? Please list these by the year that they were first registered in.

6.How much has the local authority spent on defending themselves in the tribunal cases since 2015, broken down by year?

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

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we believe that the exemptions detailed below apply to some of this information and this is withheld. Please see the Refusal Notice below.

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Please see the attached spreadsheet.

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Section 12 - Time limit

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 do not hold this data as a category on our management system. We would need to read every Appeal. We would have to read 456 appeals. It would take approximately 10 minutes to review each case. 456 files x 10 minutes = 4560 minutes (76 hours).

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4. Of those that went to a tribunal hearing, what were the outcomes? How many saw the decision upheld by the tribunal and how many saw the decision in favour of the appellant? Can this please be broken down by year.

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5. How many of these appeals are still outstanding? Please list these by the year that they were first registered in.

Please see the attached spreadsheet.

6. How much has the local authority spent on defending themselves in the tribunal cases since 2015, broken down by year?

Due to the section 12 exemption applied to question 3. The Local Authority is unable to identify the amount spent on Tribunal cases regarding EHCP appeals since 2015.

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 Records & Information Management Service, Assurance Group, 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.