

2 Bristol Avenue, Colindale, NW9 4EW

3 April 2024
Our ref: 11628702

Thank you for your request received on 4 March 2024, for the following information:

The Children and Families Act ('CAFA') 2014 and the associated Special Educational Needs and Disability Regulations 2014 lays out the local authority's responsibilities for the education and provision of children with SEND.

Please tell us, for the last three years -

- Has the LA funded placements at ANY private schools for children with SEND over the past three years**
- If so, what are the termly and annual costs for EACH of these placements over the past three years**
- In addition, has the LA provided transport costs for ANY child with an EHCP over the past three years.**
- If so, what are the termly and annual costs per child and what are the modes of transport paid for**

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 exemption detailed below apply to some of this information and this is withheld.

Please see our response and the Refusal Notice below.

The Children and Families Act ('CAFA') 2014 and the associated Special Educational Needs and Disability Regulations 2014 lays out the local authority's responsibilities for the education and provision of children with SEND.

Please tell us, for the last three years -

- Has the LA funded placements at ANY private schools for children with SEND over the past three years***

Caring for people, our places and the planet The Local Authority funds placements at independent schools.

- If so, what are the termly and annual costs for EACH of these placements over the past three years

Please see the attached spreadsheet where we have provided the annual cost per school.

Regarding the amount for each placement, please note the following exemption has been applied, S43 - Commercial interests.

We consider that the qualified exemption set out in Section 43 (Prejudicial to commercial interests) subsection section 2 (commercial interests) - disclosure would or would be likely to prejudice the commercial interests of the council or a third party applies to some of the information requested. Therefore, we have decided to withhold this information.

- In addition, has the LA provided transport costs for ANY child with an EHCP over the past three years.

We provide travel assistance which also includes a personal transport budget for eligible students.

- If so, what are the termly and annual costs per child and what are the modes of transport paid for .

The annual cost is approx £7300 per eligible child and the modes of transport consist of mini bus, taxi and special hire.

S43 - Commercial interests

We have concluded that this information is exempt under section 43(2) of the Freedom of Information Act 2000 (FOIA) because the disclosure of this information would be prejudicial to the London Borough of Barnet's and partners commercial interests. This is a qualified exemption and the public interest test applies

We have considered the public interest the disclosure of this information. These factors include the importance of transparency in the decision-making process relating to the spending of public money to ensure that procurement processes are conducted in an open and honest way. It is also important for the public to see taxpayers' money being used effectively and public authorities getting value for money.

We have also considered the public interest in withholding this information. If disclosed, there is a strong risk that the Council's bargaining position for the future will be prejudiced and commercial organisations may become reluctant to enter into further free and frank negotiations. This would undermine the Council's ability to fulfil its role effectively and prevent it from achieving the value for money that is so important.

For these reasons we consider that the public interest in withholding the information outweighs the public interest in disclosure.

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.