

Response to Request for Information

Reference FOI 003539
Date 3 May 2019

SEN School Placements

Request:

Under the Freedom of Information Act, I would like to request the following information regarding Special Educational Needs (SEN) school placements for children with autism (ASD) and Social, Emotional and Mental Health (SEMH).

Where possible, please kindly include responses on the attached spreadsheet.

1. Please could you supply the name, job title, email address and telephone number of the commissioner with responsibility for children's SEN school placements.

[Tom Knott](#)
[SEND Commissioning Officer](#)
Tom.knott@wolverhampton.gov.uk
01902 551469

For questions 2 through 7, please supply the following information as a snapshot at the end of the year for financial years 2014/15 to 2018/19.

2. How many children (under the age of 18) with a statement or EHC Plan did your local authority commission educational funding to send them to an Independent Special School?

2015/2016	38
2016/2017	48
2017/2018	36
2018/2019	39

3. Of the total number of children (under the age of 18) with a statement or EHC Plan funded in Independent Special Schools (Q2), how many have; (a) ASD (primary type of need) and (b) SEMH (primary type of need)?

[In response to question 3 above, your request has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.](#)

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your particular request, the following exemption applies:

Section 40 – Personal Information

We can confirm that the Council holds information falling within the description specified in your request. However, Section 40(2)(3) of the Freedom of Information Act 2000 allows a public authority to refuse a request if it asks for information 'other than that of the requester' and where disclosure would breach the data protection principles contained in Chapter 2 - Section 34 of the Data Protection Act 2018.

In respect of your request, the Council considers that to reveal this information would compromise the identity of the individuals due to small number of children funded by the local authority with special educational needs and therefore this meets the definition for personal data set out in Data Protection Act 2018 as:

34 - Overview and general duty of controller

This section has no associated Explanatory Notes

(1) This Chapter sets out the six data protection principles as follows—

- (a) section 35(1) sets out the first data protection principle (requirement that processing be lawful and fair);
- (b) section 36(1) sets out the second data protection principle (requirement that purposes of processing be specified, explicit and legitimate);
- (c) section 37 sets out the third data protection principle (requirement that personal data be adequate, relevant and not excessive);
- (d) section 38(1) sets out the fourth data protection principle (requirement that personal data be accurate and kept up to date);
- (e) section 39(1) sets out the fifth data protection principle (requirement that personal data be kept for no longer than is necessary);
- (f) section 40 sets out the sixth data protection principle (requirement that personal data be processed in a secure manner).

Where information requested under the FOI Act includes information about identifiable individuals, public authorities must consider whether its release would breach the Data Protection Act.

To explain further, to disclosure details of cases of children funded by the local authority with special educational needs under the provisions of FOI is judged to be a disclosure to the wider world and here the Council must consider disclosure of personal information in line with the provisions of the DPA. We

also consider individuals involved would have no reasonable expectation that their information would be disclosed and published to the world-at-large.

Any disclosure of this information would be judged in this instance to breach DPA principles, notably the first principle – Section 35 (1)(a) that of fair and lawful processing and the second principle – Section 36 (1)(b) requirement that purposes of processing be specified, explicit and legitimate. Details will therefore not be provided in this instance

4. Of the total number of children (under the age of 18) with a statement or EHC Plan funded in Independent Special Schools, how many with ASD (primary type of need) (Q3) are in day, 38-week and 52-week placements?
Please see our response to question 3.
5. Of the children (under the age of 18) with a statement or EHC Plan funded in Independent Special Schools, with ASD (primary type of need) in day, 38-week and 52-week placements (Q4), how many of those placements are made out of area (i.e. outside the local authority boundary)?
Please see our response to question 3.
6. Of the total number of children (under the age of 18) with a statement or EHC Plan funded in Independent Special Schools, how many with SEMH (primary type of need) (Q3) are in day, 38-week and 52-week placements?
Please see our response to question 3.
7. Of the children (under the age of 18) with a statement or EHC Plan funded in Independent Special Schools, with SEMH (primary type of need) in day, 38-week and 52-week placements (Q6), how many of those placements are made out of area (i.e. outside the local authority boundary)?
Please see our response to question 3.
8. Please give the total local authority expenditure on;
 - (a) placing children (under the age of 18) with a statement or EHC Plan in Independent Special Schools;

Year	£ million
2014-2015 Expenditure	1.2
2015-2016 Expenditure	1.8
2016-2017 Expenditure	1.9
2017-2018 Expenditure	2.4
2018-2019 Forecast	2.7

- (b) placing children (under the age of 18) with a statement or EHC Plan, with ASD (primary type of need), in Independent Special Schools;
In response to question 8(b), Section 1 of the Freedom of Information Act 2000 places two duties on public authorities. Unless exemptions apply, the first duty at:

- Section 1(1) (a) is to confirm or deny whether the information specified in a request is held.
- The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

In respect of question 8(b), it has been established after careful consideration that the Council does not hold the above information.

Consequently, we are unable to provide any information relating to the above, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

- (c) placing children (under the age of 18) with a statement or EHC Plan, with SEMH (primary type of need), in Independent Special Schools for each of the financial years 2014/15 to 2018/19.
Please see our response provided to question 8(b).