

## Response to Request for Information

Reference      FOI 003634  
Date            3 June 2019

### ***EHCP Plans***

#### **Request:**

In accordance with the FOI act I would like to request the following information regarding Education, Health and Care Plans and the assessments required to get one.

How many requests for Education Health and Care Plan Assessments have there been for the following time periods? 2019- To date, 2018, 2017, 2016, 2015, 2014.

Of these how many requests for assessments were approved? (again for the following time periods 2019- To date, 2018, 2017, 2016, 2015, 2014).

How many Education, Health and Care Plans were completed within the 20 week target time? (again for the following time periods 2019- To date, 2018, 2017, 2016, 2015, 2014).

How many people are waiting for an Education Health and Care Plan Assessment right now?

In response to your above questions, your request for information 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 21 – Information reasonably accessible to the applicant by other means**

We can confirm that the department holds information that you have asked for in relation to the above. However, the information is exempt under section 21 of the

FOI Act because it is reasonably accessible to you, and I am pleased to inform you that you can access it on our website via the following link:

[https://www.gov.uk/government/collections/statistics-special-educational-needs-sen#statements-of-special-educational-needs-\(sen\)-and-education,-health-and-care-\(ehc\)-plans](https://www.gov.uk/government/collections/statistics-special-educational-needs-sen#statements-of-special-educational-needs-(sen)-and-education,-health-and-care-(ehc)-plans)

Section 21(1) of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 21 by reading the extract from the Act, available at: <http://www.legislation.gov.uk/ukpga/2000/36/section/21>

What was the longest wait for an EHCP plan to be finished as measured from the initial assessment request to delivery of the plan during the request time period? (2014- to date)

In respect of your above question, the Council considers that to reveal this information would compromise the safety and security of the small number of children placed and therefore this meets the definition for personal data set out in Section 1(1) of the Data Protection Act 1998 ("DPA") as:

*"data which relate to a living individual who can be identified - (a) from those data, or (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual"*

The Council thus considers that the requested information is caught by the exemption to disclosure contained in Section 40 (2) of the Freedom of Information Act 2000 ("FOI") and the related first condition of Section 40 (3).

To explain further, a disclosure made 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.

In this instance it is judged that information regarding the longest wait for an EHCP is being processed by the Council for the purposes of supporting small numbers of individual children and not for any wider disclosure purposes.

We consider in this instance that, while we can confirm that we hold the relevant information, it is correct to refuse disclosure of information due to low numbers as the individuals could be identifiable.

Any disclosure of this information would be judged in this instance to breach DPA principles, notably the first principle – that of fair and lawful processing and the second principle-that of processing for specified and not-incompatible purposes. Details will therefore not be provided in this instance.

[NOT PROTECTIVELY MARKED]