

Response to Request for Information

Reference FOI 002742
Date 7 September 2018

SEND Information

Request:

For each of the academic years 2014/15, 2015/16, 2016/17, 2017/18 and as much of 2018/19 as you have data for:

- 1) How many times was the council challenged at the SEND tribunal for **refusing to assess** a child's special educational needs?

- a. Of those, how many were:

- i. conceded by the LA ahead of the tribunal hearing

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
0	0	0	0	0

- ii. withdrawn by the parent/carer/young person

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
0	0	0	0	0

- iii. upheld by the SEND tribunal

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
2	0	0	0	0

- iii. not upheld by the SEND tribunal

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
0	0	0	0	0

- b. What was the cost to the council of defending all of these appeals, both successful and unsuccessful?*

In respect of question b, it has been established after careful consideration that the Council does not hold the above information as we do not analyse our spend in the format requested as these costs are apportioned across the Local Authority, not on an individual case basis, so we are unable to identify the costs of these cases.

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".

2) How many times was the council challenged at the SEND tribunal for **refusing to issue a SSEN or an EHCP?**

a. Of those, how many were:

- conceded by the LA ahead of the tribunal hearing

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
0	0	1	0	0

- withdrawn by the parent/carer/young person

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
0	1	0	0	0

- upheld by the SEND tribunal

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
0	0	0	2	0

- not upheld by the SEND tribunal

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
0	0	0	0	0

b. What was the cost to the council of defending all of these appeals, both successful and unsuccessful?*

In respect of question b, it has been established after careful consideration that the Council does not hold the above information as we do not analyse our spend in the format requested as these costs are apportioned across the Local Authority, not on an individual case basis, so we are unable to identify the costs of these cases.

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:

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- How many finalised EHCPs or SENs resulted in an application to the SEND tribunal to **challenge any part** of the EHCP/SEN?

a. Of those, how many were:

- conceded by the LA ahead of the tribunal hearing

2014	2015	2016	2017	2018
0	0	0	0	0

- withdrawn by the parent/carer/young person

2014	2015	2016	2017	2018
0	4	3	3	1

- upheld by the SEND tribunal

2014	2015	2016	2017	2018
0	1	0	1	1

- not upheld by the SEND tribunal

2014	2015	2016	2017	2018
0	0	0	3	0

b. What was the cost to the council of defending all of these appeals, both successful and unsuccessful?*

- How much compensation or legal costs were paid to parents in the above cases?

In respect of question b. and your bullet point above, it has been established after careful consideration that the Council does not hold the above information as we do not analyse our spend in the format requested as these costs are apportioned across the Local Authority, not on an individual case basis, so we are unable to identify the costs of these cases.

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".

SEND Assessments and EHCPs

A) For each of the academic years 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19 to date, broken down by year, please provide the following SEND information:

- How many requests for SEND needs assessments were received in each year from:

- Parents/carers/young people

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
7	21	16	62	0

- Schools

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
93	203	163	222	0

- Initiated by the LA without a request from parents/carers/schools

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
0	0	0	0	0

- How many of these requests resulted in an assessment of need being carried out, and how many were refused, for

- Requests from parents/carers/young people

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Only two were refused to assess. Others agreed.				
1				

- Requests from schools

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Only two were refused to assess. Others agreed.				
1				

- Requests initiated by the LA without a request from parents/carers/schools

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Only two were refused to assess. Others agreed.				
0				

- How many of the needs assessments resulted in an agreement to issue an EHCP for

- a. Requests from parents/carers/young people
- b. Requests from schools
- c. Requests initiated by the LA without a request from parents/carers/schools

With reference to your above question, 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 12 - Exemption where cost of compliance exceeds appropriate limit

We can confirm that the Council holds information falling within the description specified in your request. However, Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information.

The Regulations provide that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 18 hours of work). In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:

- (a) *Determining whether it holds the information,*
 - (b) *Locating the information, or a document which may contain the information,*
 - (c) *Retrieving the information, or a document which may contain the information,*
- and*
- (d) *Extracting the information from a document containing it.*

For the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour.

The information appertaining to your request is not easily accessible and as such this information is not held as a distinct set able to be retrieved or reported on. To gather the information requested would require a full scale look into all individual reports. This would be a manual exercise and as such we believe that the aggregated time it would take to collate the information would be in excess of 18 hours (equivalent to a notional cost of £450).

Excess cost removes the City of Wolverhampton Council's obligation under the Freedom of Information, however under Section 16 – (the duty to provide advice and assistance, the Council may be able to provide answers to the request, should you wish to submit a refined request.

- How many applications for an EHCP were either rejected or finalised within the statutory 20 week period? How many took longer than 20 weeks?

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
0	64.30%	81.30%	52.30%	0

- What was the mean and median time between an EHCP assessment first being requested, and the EHCP being finalised? (To be clear, please include all EHCPs which were finalised in the given academic year, even if they were first applied for in the previous academic year. For this particular question, I am only interested in EHCPs which were finalised – not applications which were rejected and never successfully appealed). With reference to your above question, 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 12 - Exemption where cost of compliance exceeds appropriate limit

We can confirm that the Council holds information falling within the description specified in your request. However, Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information. The Regulations provide that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 18 hours of work). In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:

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- B) Across the entire period 1. September 2014 until the present date, what was the longest an individual applicant had to wait between first requesting an EHCP assessment and having an EHCP finalised?

163 Weeks

- C) At the start of each of the last five school years, including 2018-19, how many pupils going through the EHCP application process (including appeals) were

- ...on a roll at a school but not attending?
In respect of your above bullet point, 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".

- ...not on a roll at any school?

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
2	12	7	8	8

- ...on a part-time timetable?
In respect of your above bullet point, it has been established after careful consideration that the Council does not hold the above information as

we do not analyse our spend in the format requested.

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:

[NOT PROTECTIVELY MARKED]

"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".