

# Response to Request for Information

**Reference** FOI 003406 **Date** FOI 003406 27 March 2019

# Care and education for children with special educational needs (SEN).

## Request:

Under the Freedom of Information Act, I would like to request the following information regarding care and education for children with special educational needs (SEN).

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

 Please could you supply the name, job title, email address and telephone number of the commissioner with responsibility for children's SEN placements? Tom Knott, SEND Commissioner <u>Tom.knott@wolverhampton.gov.uk</u> 01902 551469

For questions 2 through 7, please supply the following information **as a snapshot at the end of the year** for the financial years 2015/16 to 2017/18, and where possible, the most up to date snapshot available for 2018/19.

2. Please provide the total number of children funded by the local authority with special educational needs (with an EHC plan or statement of SEN/SEND)?

2015/2016	1327
2016/2017	1417
2017/2018	1524
2018/2019	1806

3. Of the total number of children with SEN (q.2) please provide the number that are in day placements; in 52 week placements; in 38 week placements?

2015/2016	52 week – see response below	38 week – see response below
2016/2017	52 week – see response below	38 week – see response below
2017/2018	52 week – see response below	38 week – see response below
2018/2019	52 week – see response below	38 week – see response below

The above question 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.

#### [NOT PROTECTIVELY MARKED]

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
- (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.

#### [NOT PROTECTIVELY MARKED]

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 with SEN (q.2) please provide the number that are looked after children?

2015/2016	48
2016/2017	57
2017/2018	51
2018/2019	66

5. Of the total number children with SEN (q.2) please provide the number with a special educational need with Autism (ASD); with a Learning Disability: Multiple/Profound; with a Learning Disability: Specific/Moderate; with Behavioural, Emotional and Social Difficulties (sometimes abbreviated BESD or EBD)?

2015/2016	ASD = 178	LD = 567	BESD/SEMH = 219
2016/2017	ASD = 183	LD = 552	BESD/SEMH = 273
2017/2018	ASD = 193	LD = 542	BESD/ SEMH = 282
2018/2019	ASD = 251	LD = 634	BESD/ SEMH = 364

6. Of the total number of children with SEN (q.2) please provide the number that are in Independent Special Schools?

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

7. Of the total number of children with SEN (q.2) please provide the number that are in out-of-area placements?

2015/2016	105
2016/2017	100
2017/2018	65
2018/2019	78

## [NOT PROTECTIVELY MARKED]

8. Please provide the Local Authority's total expenditure on SEN placements in Independent Special Schools for each of the financial years 2015/16 to 2017/18, and where possible, budgeted expenditure for 2018/19. If expenditure for 2017/18 is not yet available, please provide projected expenditure?

Year	£ million
2015-16 Expenditure	1.8
2016-17 Expenditure	1.9
2017-18 Expenditure	2.4
2018-19 Budget	2.8