



My Ref: FOI5974
Enquiries to: Information Requests
E-Mail: informationrequests@barnsley.gov.uk

Dear Requester,

Re: Request for Information – Freedom of Information Act 2000

I wish to confirm that the council has completed its search for the information which you requested.

The information requested and our findings are as follows: -

Freedom of Information Request

I am conducting comparative research on local authority performance in relation to statutory SEND functions across England. The same request is being submitted to all local authorities with SEND responsibilities, so that responses can be compared on a consistent basis. The questions have been drafted to be proportionate, to minimise the need for clarification, and to avoid asking for any information that would require the creation of new data.

Headline EHCP timeliness statistics, and the total numbers of EHC needs assessment requests and refusals, are already published by the Department for Education via the Explore Education Statistics platform. I do not seek those figures. The questions below relate only to information that is not available through the published DfE dataset.

Definitions used in this request

"Your authority" means the local authority to which this request has been submitted.

"Each of the past six years" means the academic years 2019/20, 2020/21, 2021/22, 2022/23, 2023/24, and 2024/25. Where your authority holds the data only by calendar year or financial year, please provide the nearest equivalent periods and specify which periods have been used.

"EHCP" means an Education, Health and Care Plan issued under section 37 of the Children and Families Act 2014.

"Young person" means a person over compulsory school age but under 25, as defined in section 83(2) of the Children and Families Act 2014. References to "children and young people" in this request include all individuals for whom your authority maintains an EHCP.

"Statutory 20-week timescale" means the period of 20 weeks specified in Regulation 13(2) of the Special Educational Needs and Disability Regulations

2014. For the purposes of this request, an EHCP should be treated as issued within the statutory timescale only if the final plan was actually issued within 20 weeks of the date the request for an EHC needs assessment was received by your authority, regardless of whether any permitted exception under Regulation 13(3) might otherwise have applied.

"EP" means Educational Psychologist or Educational Psychology.

"Statutory EP advice" means psychological advice and information from an educational psychologist provided under Regulation 6(1)(d) of the SEND Regulations 2014 as part of an EHC needs assessment.

"Statutory mediation" means the formal mediation process available under section 55 of the Children and Families Act 2014, and not informal resolution discussions or pre-decision correspondence.

"In-house EP service" means Educational Psychologists directly employed by your authority.

"External EP" means any Educational Psychologist not directly employed by your authority, whether commissioned via framework, contract, panel, spot-purchase, agency, independent sector provider, or any similar arrangement.

"Conceded", in relation to a Tribunal appeal, means any case where your authority changed its position such that the appeal did not proceed to a contested final hearing. This includes cases where the contested decision was withdrawn by your authority, where settlement was reached, where the matter was resolved by any other form of pre-hearing agreement, and where the appeal was withdrawn by the parent or young person following a change in your authority's position that addressed the matters under appeal.

"EOTAS" means Education Otherwise Than At School, being provision arranged by your authority under section 61 of the Children and Families Act 2014 for a child or young person with an EHCP for whom education in a school or post-16 institution would be inappropriate.

"Non-maintained independent placement" or "NMI" means any placement funded wholly or partly by your authority at an independent school, non-maintained special school, or independent specialist provider that is not maintained by your authority, where the placement was made to meet the special educational provision specified in an EHCP.

"Reduced timetable" means any arrangement where a child or young person with an EHCP attends their named school or setting for fewer hours than the standard

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full-time timetable, whether described as a reduced timetable, part-time timetable, phased return, or similar arrangement.

"Alternative provision" means education arranged by your authority for a child or young person with an EHCP who is not attending their named school, including pupil referral units, hospital education, and other alternative provision settings, but excluding EOTAS packages reported under Question 8.

Questions

1. Compliance with phase transfer deadlines

Regulation 18 of the SEND Regulations 2014 requires local authorities to review and, where necessary, amend a child or young person's EHCP before specific dates in the calendar year of their transfer between phases of education:

31 March in the case of transfer from secondary school to a post-16 institution, and 15 February in any other case.

For each of the past six years:

(a) the total number of EHCPs your authority was required to review under Regulation 18 in respect of phase transfer to a post-16 institution by the 31 March deadline, and the number for which the review was completed and the final plan was issued or confirmed by that deadline;

(b) the total number of EHCPs your authority was required to review under Regulation 18 in respect of phase transfer at all other phase boundaries by the 15 February deadline, and the number for which the review was completed and the final plan was issued or confirmed by that deadline.

2. Outcomes of challenges to refusal-to-assess decisions

For each of the past six years:

(a) the number of refusal-to-assess decisions subsequently challenged by parents through statutory mediation;

(b) the number of refusal-to-assess decisions subsequently challenged by parents through appeal to the First-tier Tribunal (Special Educational Needs and Disability);

(c) of the challenges at (a) and (b), the number where your authority subsequently agreed to conduct the assessment, whether by agreement at mediation, by conceding the appeal before hearing, or by Tribunal order;

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(d) where available, the average time in weeks between the original refusal decision and the decision to proceed with the assessment following a successful challenge.

3. Educational Psychology advice — timeliness and provenance

For each of the past six years:

(a) the total number of requests for statutory EP advice made by your authority as part of EHC needs assessments;

(b) the number of those requests returned within six weeks, in accordance with Regulation 8(1) of the SEND Regulations 2014;

(c) of EHCPs issued within the statutory 20-week timescale, the number where the statutory EP advice was produced by your authority's in-house EP service, and the number where it was produced by an external EP commissioned by your authority;

(d) the number of statutory EP advice requests referred to external EPs in each year, and whether your authority has a standing arrangement for commissioning external EP advice when in-house capacity is insufficient.

4. Annual review completion rates

For each of the past six years:

(a) the total number of EHCPs due for annual review within the year;

(b) the number of those reviews completed within 12 months of the previous review, in accordance with section 44(1) of the Children and Families Act 2014;

(c) the number of annual reviews that resulted in an amendment to the EHCP;

(d) the number of annual reviews that resulted in a decision to cease to maintain the EHCP.

5. SEND Tribunal appeals and concessions

For each of the past six years:

(a) the total number of appeals registered against decisions of your authority at the First-tier Tribunal (Special Educational Needs and Disability);

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- (b) the number of those appeals conceded by your authority before final hearing;**
- (c) the categories of decision appealed, if recorded — specifically, the number of appeals relating to: (i) refusal to assess; (ii) refusal to issue a plan; (iii) content of a plan; (iv) school or institution named in a plan; (v) decision to cease to maintain a plan.**

6. SEND complaints and Ombudsman outcomes

For each of the past six years:

- (a) the total number of formal corporate complaints received by your authority classified as relating to SEND services;**
- (b) the number upheld or partially upheld at any stage of your complaints procedure;**
- (c) the number of decisions issued by the Local Government and Social Care Ombudsman against your authority in relation to SEND matters;**
- (d) the total value of financial remedies recommended by the LGSCO in those decisions.**

7. SEND team staffing and caseloads

As at the most recent date for which data is available:

- (a) the total number of SEND caseworkers or EHCP coordinators employed by your authority (full-time equivalent), excluding administrative support staff;**
- (b) the total number of EHCPs maintained by your authority at that date;**
- (c) the resulting caseload ratio (EHCPs per caseworker FTE);**
- (d) the number of SEND caseworker vacancies at that date, if recorded;**
- (e) the total number of Educational Psychologists employed by your authority (full-time equivalent) in your in-house EP service.**

8. Education Otherwise Than At School (EOTAS) provision

For each of the past six years:

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(a) the total number of children and young people with EHCPs for whom your authority arranged Education Otherwise Than At School provision under section 61 of the Children and Families Act 2014;

(b) the total number of EOTAS packages active at the end of each year;

(c) the total annual expenditure by your authority on EOTAS provision;

(d) the number of requests received by your authority for an EOTAS personal budget, the number agreed, and the total value of EOTAS personal budgets agreed in each year.

9. Non-maintained and independent placement expenditure, monitoring, and terminations

For each of the past six years:

(a) the total number of children and young people with EHCPs placed by your authority at non-maintained independent schools or independent specialist providers;

(b) the total annual expenditure on those placements;

(c) the average annual cost per non-maintained independent placement;

(d) the number of those placements made following a SEND Tribunal order or conceded during Tribunal proceedings, as distinct from placements made by your authority's own decision;

(e) whether your authority has a formal process for monitoring the delivery of provision specified in Section F of EHCPs at non-maintained independent placements, and if so, the frequency and method of that monitoring;

(f) the number of non-maintained independent placements terminated at the provider's initiative in each year, and the average time taken to secure an alternative placement following such a termination.

10. Non-maintained independent placement refusals

For each of the past six years:

(a) the number of cases where your authority approached a non-maintained independent school or independent specialist provider to request a placement for a child or young person with an EHCP, and the provider declined to offer a place;

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(b) where recorded, the primary category of special educational need of the child or young person in each case where a placement was declined, using the DfE SEN2 categories (for example, Autism Spectrum Disorder, Social Emotional and Mental Health, Severe Learning Difficulty);

(c) the number of cases where a non-maintained independent placement was named in a final EHCP or ordered by the SEND Tribunal, and the provider subsequently declined to admit the child or young person;

(d) in cases where a placement was declined, the average time in weeks taken to identify and secure an alternative placement.

11. Reduced timetables and alternative provision for children and young people with EHCPs

For each of the past six years:

(a) the total number of children and young people with EHCPs known to your authority who were on a reduced timetable at any point during the year;

(b) the total number of children and young people with EHCPs known to your authority who were placed in alternative provision at any point during the year;

(c) of the children and young people at (a), the number for whom the reduced timetable was in place for more than one school term;

(d) of the children and young people at (a) and (b), the number for whom the arrangement was recorded as agreed with the parent or young person in writing.

The information in relation to your request is not held in a structured way that allows us to answer the questions you have submitted. To interrogate and collate the information in this way to answer all your questions would take over 60 hours of staff time and would exceed the appropriate limit of £450, equivalent to the 18 hours of staff time. Therefore Section 12 (1) of the Freedom of Information Act has been applied. This section allows the Council to refuse to comply with the request as the cost of estimated compliance exceeds a set limit known as the appropriate limit.

Should you choose to refine the scope of your request or highlight specific questions for priority, we would be pleased to reconsider your enquiry. This approach may enable us to fulfil your request within the designated 18-hour time limit.

If you have any queries about this letter, please contact Information Requests Via email.

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Please remember to quote the reference number above in any future communications.

If you are unhappy with the way the Directorate has handled your request, you may ask for an internal review. Please clearly mark your correspondence 'Complaint' and address it to:

Barnsley MBC
Information Requests Team
PO Box 634
Barnsley
S70 9GG
email: informationrequests@barnsley.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: -

Customer Services Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Email: <http://www.ico.org.uk/foicomplaints>

Kind regards,

Information Requests Team, Barnsley MBC

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