

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 November 2022

Public Authority: London Borough of Havering
Address: Town Hall
Main Road
Romford
RM1 3BB

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Havering ("the Council") about the number of young people with Education Health Care Plans. The Council provided the information that it holds, however, the complainant was not satisfied with some of the information, as they felt it was incorrect.
2. The Commissioner's decision is that, on the balance of probabilities, the Council has provided the complainant with the information it holds in relation to the request. The Commissioner cannot consider the accuracy of the information provided.
3. The Commissioner does not require the Council to take any steps as a result of this decision notice.

Request and response

4. On 15 April 2022, the complainant wrote to the Council and requested information in the following terms:

"In accordance with the Freedom of Information Act, I would be grateful if you could comply with the following request. Could you provide the following information:

1. How many young people have an Education Health Care Plan (EHCP) in your borough currently?
 2. How many young people with an EHCP under the age of 16 years?
 3. How many young people under the age of 16 with an EHCP attend a special school?
 4. How many children with an EHCP are currently Electively Home Educated (EHE)?
 5. How many EHC assessments are currently being completed?"
5. The Council responded on 6 May 2022 and provided responses to each of the questions posed in the request.
 6. The complainant requested an internal review on 6 May 2022 as they were not satisfied with one of the figures quoted by the Council. The Council provided an internal review on 12 July 2022 in which it confirmed that it considered the figure in question to be correct.

Scope of the case

7. The complainant contacted the Commissioner on 1 August 2022, to complain about the way their request for information had been handled.
8. The Commissioner considers the scope of the investigation is to determine, if the on the balance of probabilities, the Council holds the requested information and whether it has complied with section 1(1) of FOIA. The Commissioner cannot consider the accuracy of the information provided.

Reasons for decision

9. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
10. The Commissioner has sought to determine whether, on the balance of probabilities, the Council holds the requested information.
11. From the information provided, the Commissioner can see that the Council has responded to the complainant's questions and has confirmed in its internal review, that it considers the information disclosed to be correct.

12. The Commissioner has considered the complainant's comments about the way that their request has been handled but has noted that the main issue of the complaint, that is, the accuracy of the information, is outside the scope of FOIA and is beyond what the Commissioner can investigate as part of his remit.
13. In light of the above, the Commissioner is satisfied that, on the balance of probabilities, the Council has provided the complainant with all the information held, in relation to their request.
14. The Council has complied with its obligations under section 1(1) of FOIA in this case.

Right of appeal

15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF