

REQUEST | **16487**

1. How many pupils under your local authority with EHCPs attend an Independent Special School*? Please provide breakdown by financial year – 2019/20, 2020/21, 2021/22, 2022/23, 2023/24.
2. How many Independent Special Schools are there in your local authority area? Please provide breakdown by financial year – 2019/20, 2020/21, 2021/22, 2022/23, 2023/24.
3. Please could you provide your local authority's annual expenditure on fees for day pupils attending Independent Special Schools. If possible, could this be broken down into an average per pupil spend as well as a total spend. Please provide breakdown by financial year – 2019/20, 2020/21, 2021/22, 2022/23, 2023/24.
4. Please could you provide your local authority's annual expenditure on fees for boarding pupils attending Independent Special Schools. If possible, could this be broken down into an average per pupil spend as well as a total spend. Please provide breakdown by financial year – 2019/20, 2020/21, 2021/22, 2022/23, 2023/24.
5. Currently, what are the three highest annual fees your local authority pays for a day pupil at an ISS (this school may be in a different area). If possible, please could you provide the names of the schools.
6. How many pupils, who have their fees paid for by the local authority, and attend an ISS have had their placement terminated by the school? Please provide breakdown by financial year – 2019/20, 2020/21, 2021/22, 2022/23, 2023/24.

*For the purpose of this request, I am using the term Independent Special School as those that identify as an Independent Special School in the DfE census. Please include both Section 41 and Non-Section 41 schools. These do not include Local Authority Maintained Schools or Academy Special Schools.

RESPONSE

1. The information provided is based on calendar year, as opposed to financial year as originally requested:
 - a) 2019 – 89
 - b) 2020 – 117
 - c) 2021 – 173
 - d) 2022 – 237
 - e) 2023 – 360
 - f) 2024 – 398

2. The information provided is based on calendar year, as opposed to financial year as originally requested:
 - a) 2019 – 12
 - b) 2020 – 12
 - c) 2021 – 12
 - d) 2022 – 14
 - e) 2022 – 17
 - f) 2023 – 17

3. Reply is based on financial year

- a) 2019/20 – £2,474,084 104 pupils average spend £23,789
- b) 2020/21 – £4,254,709 155 pupils average spend £27,450
- c) 2021/22 – £4,988,470 169 pupils average spend £29,518
- d) 2022/23 – £6,502,975 205 pupils average spend £31,722
- e) 2023/24 – £9,473,065 280 pupils average spend £33,832

4. No expenditure on boarding pupils.

5. The 3 highest fees paid for a day pupil are taken from 2023/24 invoices.

- 1) £86,443
- 2) £85,015
- 3) £84,900

The Council confirms it holds the information requested but is not disclosing the names of the schools under s40(2) of the Freedom of Information Act 2000 (the Act) as the information held constitutes personal data of third parties.

Article 4 of the UK General Data Protection Regulation (UK GDPR) defines personal data as *any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person"*

Naming the school could identify the pupils.

S40(2) of the Act can be applied if *disclosure of the information ... would contravene any of the data protection principles* (s40(3A) of the Act). Article 5(1) of UK GDPR lays down the first data protection principle as *personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject*. Article 6 of UK GDPR sets out the lawful bases for the processing of personal data. The only possible lawful bases for disclosure under the Act are consent and legitimate interests. Consent has clearly not been given in this case and would not be sought by the Council. The Council does not have a legitimate interest in disclosing this information to the world at large which is the effect of disclosure under the Act. Additionally, any such legitimate interests would need to be balanced against the interests and fundamental rights and freedoms of the data subject, in particular where the data subject is a child. Those rights would clearly override any purported legitimate interests in this case.

Therefore, the Council confirms it is withholding disclosure of the information requested under s40(2) of the Freedom of Information Act 2000 as the Condition under s40(3A)(a) is satisfied.

6. The information provided is based on calendar year, as opposed to financial year as originally requested:

- a) 2019 – 0
- b) 2020 – 0
- c) 2021 – 0
- d) 2022 – 0
- e) 2022 – 0
- f) 2023 – 0