



Ms Fiona Nicholson

Email: Fiona Nicholson [fiona@edyourself.org]

7<sup>th</sup> January 2013

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Dear Ms Fiona Nicholson

**Re: Your request for information – reference number 269366**

Thank you for your email that was received on 27th December, in which you requested:-

I am carrying out research on the availability of services and support for home educated children with SEN and disabilities throughout England in the wake of the Education Committee's recent Report into Support for Home Education which urged local authorities to comply with statutory guidance and to ensure that home-educated young people with SEN or medical conditions are not being discriminated against. <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmeduc/559/559.pdf>

1/ Could you please tell me:

- a/ the total number of children in your authority with a statement of SEN
- b/ the number of home educated children in your authority with a statement of SEN
- c/ the number of home educated children of primary age with a statement of SEN
- d/ the number of home educated children of secondary age with a statement of SEN
- e/ the number of statements for home educated children categorised as having "moderate learning difficulty" (if the authority has a banding system, please could you indicate the number of home educated children within the relevant statement bands)
- f/ the number of statements for home educated children with physical disabilities
- g/ the number of statements for home educated children with speech, language and communication needs
- h/ the number of statements for home educated children with autism spectrum disorders
- i/ the number of statements for home educated children with severe or complex learning difficulties (if the authority has a banding system, please could you indicate the number of home educated children within the relevant statement bands)
- j/ the number of home educated children with a statement of SEN who formerly attended a special school (if known)
- k/ the number of children with a statement of SEN who started home education during the calendar year 2012
- l/ the number of children with a statement of SEN who have been home educated for more than 2 years
- m/ the number of home educated children with a statement of SEN who have been home educated for more than 5 years
- n/ the number of children with a statement of SEN who ceased to be home educated during the calendar year 2012 because they started to attend school

**2/Within your authority - not including the provision of assessments/reports for the annual review of the statement of SEN - do home educated children have access to any of the following:**

- a/educational psychology service**
- b/occupational therapy services and equipment**
- c/speech and language therapy**
- d/CAMHS**

**3/Does the authority have a specific policy with regard to provision of services and support listed in Part 3 of the statement when a child with a statement of SEN is home educated? If yes, could you please summarise the policy, for example if the authority does not make provision available when a child is home educated**

**4/How many home educated children with a statement of SEN will be entered on the Alternative Provision Census under the category Not a School, for SEN support (deadline Thursday January**

**17th <http://www.education.gov.uk/schools/pupilsupport/parents/involvement/homeeducation/a0073322/funding-for-home-education>)**

I have outlined below our response to your request

**1/Could you please tell me:**

**a/the total number of children in your authority with a statement of SEN**

1460

**b/the number of home educated children in your authority with a statement of SEN**

\* see note below

**c/the number of home educated children of primary age with a statement of SEN**

\* see note below

**d/the number of home educated children of secondary age with a statement of SEN**

\* see note below

**e/the number of statements for home educated children categorised as having "moderate learning difficulty" (if the authority has a banding system, please could you indicate the number of home educated children within the relevant statement bands)**

0

**f/the number of statements for home educated children with physical disabilities**

0

**g/the number of statements for home educated children with speech, language and communication needs**

\* see note below

**h/the number of statements for home educated children with autism spectrum disorders**

\* see note below

**i/the number of statements for home educated children with severe or complex learning difficulties (if the authority has a banding system, please could you indicate the number of home educated children within the relevant statement bands)**

0

**j/the number of home educated children with a statement of SEN who formerly attended a special school (if known)**

\* see note below

**k/the number of children with a statement of SEN who started home education during the calendar year 2012**

\* see note below

**l/the number of children with a statement of SEN who have been home educated for more than 2 years**

\* see note below

**m/the number of home educated children with a statement of SEN who have been home educated for more than 5 years**

0

**n/the number of children with a statement of SEN who ceased to be home educated during the calendar year 2012 because they started to attend school**

Data not held

The numbers are less than ten in response to some of these questions, specifically those marked with an asterisk (\*). The Council is of the opinion that the number are sufficiently small to give rise to the possibility that individuals in question could be identified if a figure were to be released, particularly if an individual was in possession of other information in relation to those people. We therefore consider that in these cases the information is personal data.

The Council is of the opinion that the number are sufficiently small to give rise to the possibility that individuals in question could be identified if a figure were to be released, particularly if an individual was in possession of other information in relation to those people. We therefore consider that in these cases the information is personal data.

Under Section 40 of The Freedom of information Act, which covers personal data, we are not able to provide any information where that course of action would contravene any of the Data Protection principles. The council's view is that, for the reasons stated in the above paragraph, releasing the information requested would contravene the first data protection principle namely that personal data shall only be processed fairly and lawfully and, in particular, shall not be processed unless (a) at least one of the conditions in Schedule 2 to the Data Protection Act 1998 is met and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 of the Act is also met.

In reach this decision the authority has considered the Commissioner's decision of 18 May 2009 concerning Salford City Council [FS50222632] and similar cases.

[http://www.ico.gov.uk/upload/documents/decisionnotices/2009/fs\\_50222632.pdf](http://www.ico.gov.uk/upload/documents/decisionnotices/2009/fs_50222632.pdf).

In accordance with section 17 of the Freedom of Information Act 2000 this letter acts as a Refusal Notice in relation to these elements of your request.

**2/Within your authority - not including the provision of assessments/reports for the annual review of the statement of SEN - do home educated children have access to any of the following:**

- a/educational psychology service**
- b/occupational therapy services and equipment**
- c/speech and language therapy**
- d/CAMHS**

A home educated child can have access to Educational Psychology service advice if requested by the parent and deemed necessary by the Local Authority - this would usually be discussed at the annual review of the statement which the Local Authority is still required to carry out.

Home Educated children have access to Occupational Therapist, Speech and Language Therapist and CAMHS if required for their health needs. Educational needs are met by the parent.

**3/Does the authority have a specific policy with regard to provision of services and support listed in Part 3 of the statement when a child with a statement of SEN is home educated? If yes, could you please summarise the policy, for example if the authority does not make provision available when a child is home educated**

There is no written policy on services for children home educated by their parents. Currently services are discussed with parents at the time home education is opted for and allocated on a case by case basis. In most cases the educational input is provided by the parent as it has been their preference to opt out of school provision. All cases are reviewed on an annual basis.

**4/How many home educated children with a statement of SEN will be entered on the Alternative Provision Census under the category Not a School, for SEN support (deadline Thursday January 17th <http://www.education.gov.uk/schools/pupilsupport/parents/involvement/homeeducation/a0073322/funding-for-home-education>)**

At present we are not able to provide any data as the census return will be completed and sent by the 17<sup>th</sup> January based on data held by the authority on that date. Section 22 of the FOI act covers information for future publication, the data in this section of your request is covered by this exemption and will be available after the submission has been completed. The public authority or another person intends to publish the information at some future date after 17<sup>th</sup> January.

The section 22 exemption is one of the exemptions which is subject to the public interest test. The council is of the view that the public interest in maintaining the exemption is greater than in disclosing the information on the basis that information is of a nature which is best suited to being disclosed to the world at large at the same time rather than in response to individual requests for the same.

In accordance with section 17 of the Freedom of Information Act 2000 this letter acts as a Refusal Notice in relation to this element of your request.

This information is being provided as a statutory obligation under the Freedom of Information Act 2000 and the Data Protection Act 1998. Please note that under the Privacy and Electronic Communications (EC Directive) Regulations 2003 Southwark Council ask not to receive unsolicited marketing communications.

You are free to use the information provided for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, requires the permission of the copyright holder. You may apply for permission to re-use this information by submitting a request to [accessinfo@southwark.gov.uk](mailto:accessinfo@southwark.gov.uk); you can find details on these arrangements at

<http://www.southwark.gov.uk/YourCouncil/FreedomofInformation/FOICopyright>.

Detailed advice about the Reuse of Public Sector Information Regulations (PSI) 2005 is available from the Office of Public Sector Information at:

<http://www.opsi.gov.uk/advice/index.htm>.

If you have any queries or concerns then please contact us using the above details.

If you are unhappy with the service you have received in relation to your request and wish to make an appeal for a review of our decision, you should write to the Corporate Freedom of Information Officer at:

Corporate Freedom of Information Officer  
Southwark Council  
160 Tooley Street  
PO BOX 64529  
London SE1P 5LX  
Email: [accessinfo@southwark.gov.uk](mailto:accessinfo@southwark.gov.uk)

If you are not content with the outcome of your appeal you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have first exhausted our internal appeal procedure and you should contact him within 2 months of the outcome of your internal appeal.

Further information on the Freedom of Information Act is available through the Information Commissioner at the:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Telephone: 0303 123 1113  
Internet: [www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely,

**Peter Harris**

Information and Records Manager  
Southwark Children's and Adults' Services