

Date: 14 January 2021
Our ref: 3060280
Your ref:
Contact: Lynsey Wilson
Direct dial: 01275 885117



Information Governance
North Somerset Council
Town Hall
Weston-super-Mare
BS23 1UJ

R Tozer
By email

DX 744900 Clevedon

Dear R Tozer

Thank you for your request for a review received on 19 December 2020. I am sorry that you are dissatisfied with our attempts to handle your request under the Freedom of Information Act 2000.

Your initial request

Your original request of 2 October 2020 was worded as follows:

I refer to your document Report to the children & young people policy & scrutiny committee date of meeting: 20 June 2019 subject of report: expansion, including a 2nd site for Baytree special school it is mentioned within para 1.2

'The DSG's deficit has grown over the last 3 years to -£2.375m. This is partly due to the cost of out of the district places where local demand cannot be secured.'

To aid my understanding of how this deficit has grown and to ascertain the actual '.....out of the district places.....' Please provide information based only on students aged between 3 - 19 years, who would likely have a EHCP at sometime in their lifetime and have a primary need of either Severe Learning Difficulties (SLD) or Profound and Multiple Learning Difficulties (PMLD)

Please provide for the (a) last 5 years, (b) current year(2020) and (c) projected 5 years (please state percentage growth rate if no projected figures available);-

- 1. Annual number of students who have been or likely to be placed out of district*
- 2. Annual Breakdown of educational costs , eg Place fee, Top-up Funding, Other*
- 3. Annual Breakdown of transportation costs eg via individual taxi, minibus, passenger supporter, etc.*
- 4. Any other costs not shown in 2 and 3 above which should help to indicate the meaning of the phase 'partly due to the cost'*

On 31 October you asked for an update, as you hadn't received a response within the target response date we had provided to you, to which my colleague apologised, advising we were waiting for the relevant service area to get back to us.

You then chased again on 16 November, and the officer handling your request responded advising that she was still waiting for the service area to get to her.

Our response

We responded on 16 November with an interim response to questions 1 and 2, but advising we were still waiting to hear back from the Integrated Transport Unit, who needed to provide the information for question 3.

After you chased a reply again, on 7 December the response to question 3 was sent to you.

On 8 December, you asked for clarification on the responses you received, which was worded as follows:

I think it reasonable to ask for an explanation for a comment included within the spreadsheet in connection with question 3, namely;- "Please note that we are only able to provide you with information from 2018 onwards as the database we use to store this information is currently undergoing a re-build."

Is this a refusal or is the re-build something that is anticipated to take infinite time?

I notice that I am still awaiting an answer to Part 4 of my original request;-

4. Any other costs not shown in 2 and 3 above which should help to indicate the meaning of the phase "partly due to the cost"

Please provide explanations or complete the already requested IR (see 2nd Dec 2020)

Ms Coomber responded the following day, advising:

The system is being over-hauled, with an expected completion date of January 2021, but the service doesn't have any confidence that the historical records will be retrieved.

In terms of question 4, I have checked again, and confirm that all the costs involved have been mentioned in questions 2 and 3.

Your request for an internal review

On 19 December you wrote requesting an internal review, which was worded as follows:

I was hoping for information "To aid my understanding of how this deficit has grown". The response does not allow me to do that.

My response to your request for an internal review

I was not involved in your original request; I manage the work of the council's Information Governance team and respond to most requests for an internal review. I have reviewed all of the correspondence and notes in the case file, and have obtained and examined the records requested.

My findings

Where your response was broken down into three different replies, I think it might be a bit easier to combine the responses into a single table (below). Note, for accessibility I have also expanded all the acronyms that were used in your original response.

Financial Year	Number of Out of District students (question 1)			Educational costs (questions 2 and 4)				Transport costs (questions 3 and 4)		
	Headcount	Full-Time Equivalent	Headcount on Top-up Funding	Annual placement fees	Top-Up Funding	1:1 support and residential costs	Spend from Out of District Budget	Taxi	Passenger Carrying Vehicle	Passenger Assistant
(a) 2015/16	71	68	18	£2,465,370	£578,301	£91,378	£3,137,363	Not held (3)	Not held (3)	Not held (3)
2016/17	98	88	51	£3,247,971	£218,800	£41,928	£3,864,266	Not held (3)	Not held (3)	Not held (3)
2017/18	108	95	54	£3,128,200	£683,293	£52,329	£3,830,266	Not held (3)	Not held (3)	Not held (3)
2018/19	156	102	56	£3,537,604	£1,050,155	£118,112	£4,394,805	£1,470,584	£1,920,128	£173,996
2019/20	149	117	44	£5,591,249	£1,043,956	£115,277	£5,591,249	£1,636,433	£1,882,521	£310,987
(b) 2020/21	141	121	57	£6,388,659	£1,101,717	£311,292	£6,388,659	£1,537,611	£1,791,458	£491,886
(c) 2021/22	Not held (1)	108	Not held (1)	Not held (1)	Not held (1)	Not held (1)	£5,816,448	£925,369.37 Further breakdown not held (1)		
2022/23	Not held (1)	108	Not held (1)	Not held (1)	Not held (1)	Not held (1)	£5,932,777	£1,464,353.18 Further breakdown not held (1)		
2023/24	Not held (1)	98	Not held (1)	Not held (1)	Not held (1)	Not held (1)	£5,491,103	£1,644,720.71 Further breakdown not held (1)		
2024/25	Not held (1)	110	Not held (1)	Not held (1)	Not held (1)	Not held (1)	£6,286,790	£1,800,974.23 Further breakdown not held (1)		
2025/26	Not held (2)	Not held (2)	Not held (2)	Not held (2)	Not held (2)	Not held (2)	Not held (2)	£1,832,244.78 Further breakdown not held (1)		

What I don't believe has been adequately explained to you in response, is the reasons why some information isn't held. So, to confirm:

Not held (1)

Projection figures aren't considered in the level of detail you are requesting. Under Freedom of Information, we can only release information that the council holds, and the financial projections have been based on a generalisation of numbers, not the specific details as per your request.

Not held (2)

When the report was produced, the five-year projection only went up to the financial year 2024/25, so the council does not hold the projection figures for 2025/26.

Not held (3)

Historical spend for the transport costs isn't held in a format that is accessible. Prior to last year, the Integrated Transport Unit used one software system for the service. However, they have now moved to a new system, and they have been unable to retrieve the data held on the previous software. While attempts continue to be made, the service aren't optimistic that this will be possible.

I note from your internal review request that the purpose behind your request was to try to get some background evidence to support a statement made in a published report. Unfortunately, this is where sometimes Freedom of Information isn't always the best vehicle to obtain the level of detail you are hoping for. The requirements of the Act are purely to release the information *held* in scope of a request. There is no method in a response to make anecdotal comments, that perhaps could help to provide the explanations that you're hoping for.

Certainly in this instance, a general service enquiry directly to the relevant team may well be a better approach, rather than using the Freedom of Information process, which can be fairly restrictive in what is released to you. A general service enquiry can be made through the Contact Us form at the following link: <https://forms.n-somerset.gov.uk/ad/form/customerenquiry#/1>

As part of my investigation into your request, the service have informed me that there was a separate budget paper titled '*Report: 11. Month 12 Children's Services Budget Monitor*' published on the website for the same meeting referenced in the original request. This contains a section with a detailed narrative regarding the deficit; note your request is asking for data limited to a certain cohort, but that's not the sole or main cause of the DSG deficit. This budget paper can be found at <http://apps.n-somerset.gov.uk/cairo/committees/comidx199-2019.asp>, and may be of some value to you in this instance.

Outcome of the internal review

While it wasn't the cause for your request for an internal review, North Somerset Council has failed in its statutory duties to provide a full response to you within 20 working days. This failing will be reported on as part of our performance statistics, which are shared with the Corporate Leadership Team on a quarterly basis. You also have the right to escalate this failing with the Information Commissioner's Office (details overleaf).

While the delay in your response was unacceptable, I can see from the case audit trail the efforts that were made by the handling officer to get the information from the Integrated Transport Unit. I do believe that every effort was made to get a response to you as quickly as possible, but we can't ask officers to prioritise a Freedom of Information request over their emergency response activities when we're facing a national emergency.

Your response could have provided a bit more detail and clarity over the reasons why some information wasn't provided to you, but I am satisfied that what has been provided to you is the information North Somerset Council holds in response to your questions, as per the requirements of the Freedom of Information Act. Under the Act, we are under no obligation to provide additional

supporting comments, and as such, on this occasion you may be better placed making your enquiry directly to the service, outside of the Freedom of Information process.

What you may do next

North Somerset Council now considers that it has complied with your request for an internal review. If you are not happy with the outcome, you now have the right to appeal directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
<http://ico.org.uk/>

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lynsey Wilson', with a stylized, cursive script.

Lynsey Wilson
Information Governance Manager

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