



1. Between 1st January 2019 and 1st October 2024 how much was spent by the council on SEND (special educational needs and disabilities) provision?

This information is not held by the Council, in that there is no specific budget for tribunals and mediations.

2. Between 1st January 2019 and 1st October 2024 how much was spent by the council on legal teams for cases dealing with SEND appeals?

We do not hold the information that you have requested in an easily retrievable format. Section 12 of the Freedom of Information Act 2000 (FOIA) relieves a public authority from the obligation to comply with a request for information where the estimated time required to locate, review and extract the information exceeds a certain threshold set out in Regulations.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI 2004/3244) set out the rules in relation to the cost limit (otherwise called the "appropriate limit"). These Regulations are published by the Office of Public Sector Information (OPSI) and are viewable on their web site from this link:

[http://www.opsi.gov.uk/si/si2004/uksi\\_20043244\\_en.pdf](http://www.opsi.gov.uk/si/si2004/uksi_20043244_en.pdf)

The Regulations set out the cost limit for Government departments and for other public authorities. For local government, Regulation 3 states that the cost limit is £450 and Regulation 4(4) states that the prescribed hourly rate is £25. Regulation 4(4) further provides that where the local authority estimates the time taken to gather the information would exceed this limit (which based on the prescribed hourly rate, equates to 18 officer hours), it may refuse the request under section 12 of FOIA.

I am satisfied the cost limit applies to your request and will explain why this is the case.

To be able to provide a response to question 2 would involve the legal team accessing every appeal file to ascertain the individual time allocated to each file. It would take an estimate of 15 - 30 minutes per file to locate and extract this information and as such would exceed 18 hours to collate this information. Therefore we confirm that the exemption under Section 12 FOIA applies as this information would take too long to locate and ascertain.

3. Between 1st January 2019 and 1st October 2024 how many SEND appeals were received by the council?

3a. The number of appeals that went to mediation as a result of appeals to decision-making around EHC needs assessment and EHC Plans are as follows:

2019 – 7  
2020 – 3  
2021 – 25  
2022 – 47  
2023 – 85  
2024 Year to Date – 80.

3b. Of these the following number of mediation cases proceeded to tribunal:

2019 – 0  
2020 – 0  
2021 – 0  
2022 - 7  
2023 - 13  
2024 - Year to Date 33

4. Of these appeal cases decided by tribunal, how many were in favour of the council?

Of the cases that proceeded to tribunal, the following were found in favour of Wigan Council:

2019 – n/a  
2020 – n/a  
2021 – n/a  
2022 - 0  
2023 - 2  
2024 - 3