



Violet Winter

Information Management
Shire Hall
Warwick
CV34 4RL
Telephone 01926 412211
Email brucegreen@warwickshire.gov.uk

Please ask for Bruce Green

Our ref: 7328513

Your ref:

Date: 14th March 2022

Dear Violet Winter

Freedom of Information Act 2000

Your request for information has been considered by Warwickshire County Council under the Freedom of Information Act 2000.

I can confirm that the information you have requested is held by Warwickshire County Council. However, please be advised we are unable to provide all of the information you have requested.

This is because we consider some of the information to be exempt under Section 43 (Commercial Interests) of the Freedom of Information Act 2000.

Please see below for further details and explanation.

You asked us:

The details we require are:

In respect of hours provided during the day:

**** The mean hourly rate of the Supported Living paid to providers?***

£16.44

**** The median hourly rate of the Supported Living paid to providers?***

£16.64

*** *The lowest hourly rate paid to a provider?***

This information is exempt under Section 43 (Commercial Interests) of the Freedom of Information Act 2000, please see explanation below.

*** *The maximum hourly rate paid to a provider?***

This information is exempt under Section 43 (Commercial Interests) of the Freedom of Information Act 2000, please see explanation below.

In respect of wake hours provided during the night:

*** *The mean hourly rate of the Supported Living paid to providers?***

£16.44

*** *The median hourly rate of the Supported Living paid to providers?***

£16.64

*** *The lowest hourly rate paid to a provider?***

This information is exempt under Section 43 (Commercial Interests) of the Freedom of Information Act 2000, please see explanation below.

*** *The maximum hourly rate paid to a provider?***

This information is exempt under Section 43 (Commercial Interests) of the Freedom of Information Act 2000, please see explanation below.

In respect of sleep-ins provided:

Please note: Warwickshire County Council pays 9 hour sleep-in's.

*** *The mean rate paid for a sleep-in of to providers for an 8 hour sleep in?***

£9.40

*** *The median rate paid for a sleep-in of to providers for an 8 hour sleep in?***

£9.40

*** *The lowest hourly sleep-in rate paid to a provider for an 8 hour sleep in?***

£9.40

*** *The maximum hourly sleep-in rate paid to a provider for an 8 hour sleep in?***

£9.40

End.

Section 43 explanation.

Warwickshire County Council are unwilling to give the highest and lowest amounts paid as an hourly rate for the 'Day hours' and 'Wake hours' parts of your request. We consider that an exemption under Section 43(2) (Prejudice to Commercial Interests) applies because disclosure of the information in question could prejudice third parties' commercial interests, as the information could enable a competitor to gain an unfair advantage in terms of securing future contracts.

We are also applying this exemption in respect of the Council's commercial interests; as disclosure of this level of detail might affect the Council's ability to negotiate rates and secure value for money services from providers, by not allowing us to secure the best possible rates for future placements. Also, this is to help the council to manage its budgets, while ensuring fee rates are sufficient to ensure provider business sustainability.

In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure:

Arguments in favour of withholding information.

It is not in the public interest for the Council to deter future suppliers from bidding for future contracts, as this may mean that the Council does not get the best deal and therefore is not spending public money as efficiently as it could be.

In addition, it is not in the public interest for suppliers to withhold information from future tender submissions because they are concerned about future disclosure, as this would mean the Council cannot make an informed decision when choosing a supplier, and therefore may not get the best deal.

Finally, it is in the public interest to ensure fair commercial competition in a mixed economy and therefore it would not be in the public interest to affect competition by giving one potential supplier an unfair advantage, or to prevent the council from securing best value for money.

Arguments in favour of disclosing information.

The Council does recognise that there are argument(s) in favour of disclosure which are as follows:

Transparency in respect of how the Council spends public money.

Enabling public scrutiny in ensuring that the Council is securing the best use of public resources.

Nevertheless, the Council considers that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Therefore, please treat this letter as a refusal notice in accordance with Section 17 of the Freedom of Information Act 2000, in respect of the highest and lowest amounts paid as an hourly rate for the 'Day hours' and 'Wake hours' parts of your request.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 days of the date of receipt of the response to your original letter and should be addressed to:

Information Management
Shire Hall
Warwick
CV34 4RL
inforights@warwickshire.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 0303 123 1113
Website: www.ico.gov.uk

I will now close your request as of this date.

Yours faithfully

Bruce Green
Information Rights Officer