



Communications - Social Care

Mr Doug Paulley
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Your Ref:
Our Ref: FOI-7887

1st June 2012

Dear Mr Paulley

Thank you for your request for information, which was received by the Council on 8th May 2012.

Please find below details of your request and our response on behalf of Leeds City Council.

Q1. In response to a previous request, you provided an anonymous list of the total charge made for each physically disabled adult under 65 in residential care arranged by LCC (including service user contribution.) Please provide the above information again, as up to date as possible.

A1. Please see spreadsheet entitled 'A1'.

Q2. The same information again, but limited to charges for residents in Wharfedale House, Wetherby. This needn't be restricted to people under 65.

A2. Leeds City Council do hold the information requested. However, we consider that the numbers of residents in Wharfedale House funded or arranged by Leeds City Council are of a sufficiently small number that it may be possible to identify the residents from the list of charges. As such, we consider the information requested to be the personal information of the residents, and we are withholding the information under Section 40(2) of the Freedom of Information Act. Requests for personal information are considered to determine whether it would be fair to provide this. We consider that the reasonable expectations of the residents would be that information relating to their charges would remain private and would not be released into the public domain. As such, we consider that disclosure of the information requested would breach the first Data Protection principle of the Data Protection Act 1998, which states that personal data should be processed fairly and lawfully.

I can confirm that the fee range for residents funded by Leeds City Council at Wharfedale House is £465.72 to £989.79. The median fee is £840.68. The mean fee is £795.57. The standard deviation is £174.57.

Q3. The same information again but for LCC's placements in Leonard Cheshire residential and nursing homes generally, again irrespective of age. This might be at Wharfedale House, Champion House (Calverley) or other LCD care homes outside LCC's area but funded (in part) or arranged by LCC.

A3. Leeds City Council do hold the information requested. However, we consider that the numbers of residents in Leonard Cheshire residential and nursing homes funded or arranged by Leeds City Council are of a sufficiently small number that it may be possible to identify the residents from the list of charges. As such, we consider the information requested to be the personal information of the residents, and we are withholding the information under Section 40(2) of the Freedom of Information Act. Requests for personal information are considered to determine whether it would be fair to provide this. We consider that the reasonable expectations of the residents would be that information relating to their charges would remain private and would not be released into the public domain. As such, we consider that disclosure of the information requested would breach the first Data Protection principle of the Data Protection Act 1998, which states that personal data should be processed fairly and lawfully.

I can confirm that the median fee for residents funded by Leeds City Council in Leonard Cheshire residential and nursing homes is £705.67. The mean fee is £748.16. The standard deviation is £293.92.

The lowest and highest fees within the list of charges are outliers (as they are markedly higher / lower than the remaining charges). To provide the fee range for residents funded or arranged by Leeds City Council in Leonard Cheshire residential and nursing homes would be to disclose these outlier charges. We consider that it may be possible to identify the residents from these outlier charges, as it may indicate the service level required by the resident. As such, we consider that to provide the fee range would be to disclose personal information about the residents and we are withholding this information under Section 40(2) of the Freedom of Information Act. Requests for personal information are considered to determine whether it would be fair to provide this. We consider that the reasonable expectations of the residents would be that information relating to their charges would remain private and would not be released into the public domain. As such, we consider that disclosure of the information requested would breach the first Data Protection principle of the Data Protection Act 1998, which states that personal data should be processed fairly and lawfully.

Q4. Please tell me what proportion of Leonard Cheshire's charges are allocated for central management of Leonard Cheshire; or what set charge per person.

A4. Leeds City Council hold the information requested. When purchasing placements at residential and nursing homes, Leeds City Council negotiate costs per placement individually with each care home. During this commercial activity of negotiating costs with care homes both Leeds City Council and the care homes need to participate competitively. To fully understand the cost of care provided by residential and nursing home providers, Leeds City Council request that providers provide a breakdown of their costs. Information in relation to the breakdown of costs is given in confidence, and is beneficial to Leeds City Council in this competitive activity of negotiating costs with care homes in establishing the true cost of care provision in the homes. To provide details about the commercial aspects of the fees charged by a residential and nursing home i.e. what proportion of a fee is allocated for central management, would be to release information related to the commercial activity of the home. Release of this information into the public domain could impact on the homes' ability to participate competitively in the negotiation process.

Providers are not contractually obliged to provide a breakdown of their costs, and release of this information into the public domain could mean that providers are less willing to provide this breakdown in the future. If Leeds City Council are not provided with this information, then this could affect the commercial interests of Leeds City Council, as it would impact on the Authority's ability to participate competitively in the negotiation process. As such, Section 43 of the Freedom of Information Act applies, which exempts from release information which is likely to prejudice the commercial interests of any person (an individual, company, public authority).

In applying this exemption we have considered the public interest test, as the information can only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.

There is a public interest in the management charges made by care homes, as there is a public interest in how public money is spent, and a public interest in ensuring the Authority is getting value for money.

However, we consider that the public interest in disclosing this information is outweighed by the public interest in maintaining the exemption. It is in the public interest that Leeds City Council negotiate costs which represent best value for money. In order for Leeds City Council to negotiate fees for placements at care homes which represent the best value for money, the Authority must be able to participate competitively in this ongoing negotiation process. Being able to access cost breakdowns from providers and maintaining their co-operation with this is important in achieving this.

Q5. Please provide any information you can as to what proportion of other residential service providers of care homes for people under 65 with physical impairments' fees are allocated for central management of the organisation, or what the set charge per person is.

A5. Please see A4.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: The Complaints Manager, Department of Social Services, Merrion House, 110 Merrion Centre, Leeds LS2 8QB.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by Social Care. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

Lorna Murray
Information Compliance Administrator