



Please ask for: Kelly Leeson
Reference: 20575989
Phone: +443000415985
Email:
kcc.information@email.icasework.com
Date: 15 April 2021

Dear Ms Schwehr

Thank you for your request for information made under the Freedom of Information Act (FOIA) 2000 relating to Client Finance/Appointeeship. Please see the response provided below:

1. How many individuals is the local authority acting as an appointee for, please?
Kent County Council is acting as an appointee for 559 clients.

2. How many of these individuals (in area or out of area) pays adult social care charges to the council for non-residential services?

239 of these clients are non-residential care individuals who have been assessed to pay a contribution towards the cost of their care.

3. Which department is responsible for administering appointeeship?

The Financial Affairs Team which is part of the Finance Division in the Strategic and Corporate Services Directorate of the Council.

4. Which department is responsible for assessing social care charges?

The Financial Assessment Teams which are part of the Finance Division in the Strategic and Corporate Services Directorate of the Council.

5. How many officers in either department carry out an overlapping role with regard to appointeeship and care charges?

The teams are separate and there is no overlap in the officers' roles.

6. How many times has the appointeeship team responded to a consultation on behalf of individuals or any group of benefits claimants regarding a change in the council's charging policy, since 2015?

Since 2015 the Authority has completed one consultation in relation to charging. The Financial Affairs Team did not have cause to respond.

7. How many appeals about care charges has the appointeeship team submitted to the financial assessment team since 2015?

All financial assessments are reviewed on an annual basis. Any inaccuracies in the financial assessment are reported to the Assessment Team who action the required changes to correct the financial assessment. The information is not aggregated but is noted on the individual service user files.

To provide you with the comprehensive, accurate and up-to-date information in relation to your request would involve an extensive manual interrogation of the Council's records, namely the individual service user files. This type of search would certainly exceed the appropriate limit of £450 (equivalent to 18 hours at £25 per hour).

Using the current number of clients that are non-residential care individuals who have been assessed to pay a contribution towards the cost of their care as a guide to calculate the time to manually search each record, giving 5 minutes per client:

239×5 (minutes) = 1195 minutes

1195×6 (years, 2015 – 2020 inclusive) = 7170 minutes = 119.5 hours

Therefore, in accordance with section 12 of the Freedom of Information Act, we are not obliged to comply with your request.

Please see Appendix 1 for further details.

Under Section 16(1) of the Freedom of Information Act, a public authority must provide advice and assistance to aid you in your request. Due to the way in which the records are held, it is not possible to refine your request to bring it within the appropriate timescales.

8. How many complaints has the appointeeship team submitted regarding care charges since 2015?

The appointeeship team have not made any formal complaints regarding care charges. The team raise any queries or concerns directly with the Financial Assessment Teams and changes are made if required. These are noted on the individual service user files. Please see the answer to Q7.

9. How many times has the appointeeship team sought or referred individuals they act for, to independent advice (whether third sector, legal aid or privately funded) about care charges, since 2015?

The information regarding referrals for independent advice is not aggregated but is noted on the individual service user files. Please see the answer to Q7.

10. How many times has the appointeeship team questioned the accuracy, fairness or legal validity of individuals' care charges or the council's charging policy, since 2015?

The information regarding the number of queries regarding an individual's care charges or the policy is not aggregated but is noted on the individual service user files. Please see the answer to Q7.

As per the response to question 7 above, the assessed charges are reviewed annually.

11. Does the council treat appointeeship as a Care Act service? If so, does it charge for that as part of the Care Act charging system?

Yes, the council does treat appointeeship as a Care Act service. Kent County Council does not charge for Appointeeship.

12. How much does it charge, if it makes a charge, per month or per week or per year, please?

Not applicable.

13. If appointeeship is not provided for through the Care Act, does the council allow for a DRE deduction from Disability Benefits income, for the charge it makes for appointeeship (assuming a person is otherwise chargeable)?

Not applicable.

14. If the council does not operate appointeeships for adult social care clients, does the council permit a full DRE deduction from Disability Benefits income, for any charge levied by any other corporate or private appointee (assuming a person is otherwise chargeable)?

Not applicable.

15. In respect of all council clients who are currently in receipt of adult social care services, regarded as liable to pay a charge for their adult social care services, for whom the appointee role is currently undertaken - how is the relevant department holding the appointeeship responsibility proposing to manage the conflict of interest presented by the judgment in the Norfolk CC v SH case in December 2020, given that the decision means that other similar policies are presumptively unlawful? Please answer with a sentence or a paragraph; it is suggested that it is not a proper response to say that no decisions have been made, as yet, because the problem already exists.

KCC is currently reviewing its position in relation to the Norfolk decision. Respectfully, this is a request made under the Freedom of Information Act, the scope of which does not extend to commentary on future potential policies or documents that do not currently exist.

The Freedom of Information Act provides a right of access to recorded information held by public authorities. Therefore, KCC cannot respond to this question because as we do not hold this information.

If you are unhappy with this response, and believe KCC has not complied with legislation, you have 40 working days from the date of this response to ask for a review. You can do this by following our complaints process; details can be found at this link <https://www.kent.gov.uk/about-the-council/complaints-and-compliments#tab-10> on our website. Please quote reference 20575989.

If you remain dissatisfied following an internal review, you can appeal to the Information Commissioner, who oversees compliance with the Freedom of Information Act 2000. Details of what you need to do, should you wish to pursue this course of action, are available from the Information Commissioner's website <http://ico.org.uk/concerns>

Yours sincerely

Kelly Leeson
Information Access Officer

Appendix:

Appendix 1 -

Section 12 - Exemption where cost of compliance exceeds appropriate limit.

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.