



Brighton & Hove City Council
Information Governance Team
Room 233
Hove Town Hall
Norton Road
Hove
BN3 3BQ

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FOI Reference: 8198707
Direct Dial: 01273 295959
Email: ###
Date: 20 April 2021

Your reference:request-738766-4a919a02@whatdotheyknow.com

Dear ###

Freedom of Information Act 2000

Thank you for your request for information to Brighton & Hove City Council ('the council') that was received on 21 March 2021. We have now processed your request and our response is below.

Your request:

- 1. How many individuals is the local authority acting as an appointee for, please?***
- 2. How many of these individuals (in area or out of area) pays adult social care charges to the council for non-residential services?***
- 3. Which department is responsible for administering appointeeship?***
- 4. Which department is responsible for assessing social care charges?***
- 5. How many officers in either department carry out an overlapping role with regard to appointeeship and care charges?***
- 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?***
- 7. How many appeals about care charges has the appointeeship team submitted to the financial assessment team since 2015?***
- 8. How many complaints has the appointeeship team submitted regarding care charges since 2015?***
- 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?

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?

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?

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

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)?

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)?

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.

Our response:

In processing your request, we liaised with colleagues within Performance & Business Improvement as they would hold the information in relation to your request were this information to be held by the council.

We can confirm that the information requested is held by the council. The information you requested is detailed below/attached.

1. How many individuals is the local authority acting as an appointee for, please?

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

None: we only act as appointee for people in care homes

3. Which department is responsible for administering appointeeship?

Financial Assessment Team, Adult Social Care

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

Financial Assessment Team, Adult Social Care

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

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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?

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

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

In relation to Questions 6, 7 and 8. There is no appointeeship team. Officers who act as appointee for people in care homes act in the best interest of residents. They liaise with social workers, assist with claiming all relevant benefits and liaise with the care home to ensure they use their personal allowance for anything they want or need.

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?

No appointeeship team: Social workers or relatives sometimes request independent advice – numbers are not counted in a reportable way but there are very few.

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?

Accuracy of the Financial Assessment is checked by the Team Manager and any appeals received from the person or their representatives are thoroughly considered and charges amended where applicable.

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. No charge for ASC appointeeship for residential care

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

None

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)?

The Council contracts with an independent organisation to assist people with money management who live in their own homes. This may include Appointeeship where necessary. This forms part of the care act assessment and care and support plan.

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)?

Yes.

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.

We do not act as Appointee for non-residential service users.

Please quote the reference number 8198707 in any future communications.

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 working days of the date of receipt of this response and should be addressed to:

foicases@mail.brighton-hove.gov.uk

or by post to the address at the top of this letter.

If you are still dissatisfied with the Council's response after the Internal Review you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF.

Telephone: 0303 123 1113

Website: www.ico.org.uk

We will now close your request as of this date.

Yours sincerely

Information Governance Team

Please note that due to the current Coronavirus (Covid 19) pandemic, we are unable to respond to or receive telephone calls or hard copy correspondence. Please contact us via email should you have any queries.