



Belinda Schwehr
CASCAIDr

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

Please ask for Bruce Green

Our ref: 6626052

Your ref:

Date: 21st April 2021

Dear Belinda Schwehr

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 some of 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 some of the information you have requested is not held by Warwickshire County Council.

Please see below for further details and explanation.

You asked us:

Freedom of Information request: Conflict of Interest in relation to Client Finance / Appointeeship and the possibility that social care charges are unlawful.

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

The local authority does not act as appointee for any individuals. This service is contracted out.

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

The local authority is not itself acting as appointee for any individuals who are paying charges for non-residential services.

3. Which department is responsible for administering appointeeship?

See 1 above.

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

This function sits in the Resources Directorate of the Council.

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

None.

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?

This information is not held. The Council does not have an appointeeship team.

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

This information is not held. The Council does not have an appointeeship team.

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

This information is not held. The Council does not have an appointeeship team.

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?

This information is not held. The Council does not have an appointeeship team.

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?

This information is not held. The Council does not have an appointeeship team.

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?

No it is not treated as a Care Act service and it is not charged for.

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)?

Yes, if an individual incurs a disability related expense it can be considered and included within the financial assessment in accordance with the Care and Support Statutory Guidance.

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.

This is not an FoI request. We reiterate, however, that the local authority does not act as appointee for any individuals, so there is no internal conflict of interest of the nature we are being asked to comment on.

Regards.

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