

CASCAIDr

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Date: 14 April 2021
Our Reference: 11219410
Your reference: request-738779-0f13b603@whatdotheyknow.com

Dear CASCAIDr

Information Request - 11219410 - Information request

I am responding to your request for information, which has been considered under the Freedom of Information Act 2000 (FoIA) and logged as case 11219410.

Your request is as follows:

Dear Cheshire East Council,

To whom it may concern

- 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?*

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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.

Regards

Belinda Schwehr, CEO, CASCAIDr. www.CASCAIDr.org.uk...

I can confirm that Cheshire East Council holds some of the information you have requested. I have detailed below the information that is held.

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

330

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

138

3. Which department is responsible for administering appointeeship?

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

Financial Co-ordinators, Business Support and Finance

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

1

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?

We do not record this information

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

We do not record this information

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

No formal complaints have been made, but the team would raise internal queries to ensure charges are correct

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?

We do not record this information, but have sought independent legal advice previously and will do so where appropriate in the future

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?

We do not record this information, but the team has a dedicated Financial Co-ordinator who ensures charges are accurate

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

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

£11 per week

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 does allow DRE deductions for the fee charged

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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)?

n/a

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 information held

Please quote the reference number 11219410 in any future communications.

Please note that an anonymised copy of this response may be published in the Council's Disclosure Log, which is available online at the following address: www.cheshireeast.gov.uk/foi

If you are not satisfied with the outcome of your request or if you are not happy with the way your request has been handled, you can request an internal review. Internal review requests should be submitted within 20 working days of our response by emailing foi@cheshireeast.gov.uk or in writing to Compliance & Customer Relations Team, Cheshire East Council, 1st Floor, Westfields, c/o Municipal Buildings, Earle Street, Crewe, CW1 2BJ.

If you are not content with the outcome of the internal review, you then have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF; Tel: 0303 123 1113; Fax: 01625 524510 or <https://ico.org.uk> The Information Commissioner will not normally investigate your case until the Council's internal review process has been completed.

Yours faithfully

Nick Yarwood
Team Manager (BSF)
Cheshire East Council

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