

Our ref: 22486992
12 April 2021

Ms Belinda Schwehr
not known

Account reference:request-738756-2806f12e@whatdotheyknow.com
Freedom of Information Act 2000

Dear Ms Schwehr

This request is being handled under the Freedom of Information Act 2000.

Request

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?
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?

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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.

Response

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

Approximately 475.

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

Approximately 50 Non-Residential Clients.

Question 3 Which department is responsible for administering appointeeship?
Client Financial Services - Appointee & Court Deputy Team.

Question 4 Which department is responsible for assessing social care charges?
Client Financial Services – Financial Assessment Team.

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

There is complete segregation of duties with regards to Appointeeship and the assessment of Care Charges. There is no overlapping of duties within the two roles.

Question 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?

Birmingham City Council does not hold this information.

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

Birmingham City Council does not hold this information.

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

Birmingham City Council does not hold this information.

Question 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?

Birmingham City Council does not hold this information.

Question 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?

Birmingham City Council does not hold this information.

Question 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. Birmingham City Council does not charge.

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

Not Applicable. At present there is no charge for the provision of Appointeeship.

Question 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)?

Yes. Birmingham City Centre will allow the cost of Appointeeship as a DRE.

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Question 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. Birmingham City Council will allow the cost of Appointeeship as a DRE.

Question 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. There is complete segregation of duties with regards to Appointeeship and the assessment of Care Charges. Birmingham City Council are in the process of reviewing its Charging Policy in light of the above judgement.

Please quote the reference number 22486992 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 from the date this authority issued its initial response to your original letter and should be addressed to:

Corporate Information Governance Team
PO Box 16366
Birmingham
B2 2YY
Email: infogovernance@birmingham.gov.uk

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

Website: www.ico.org.uk

Digital and Customer Services
Birmingham City Council

Email: govandcompstrategicservices@birmingham.gov.uk

I will now close your request as of this date.

Yours sincerely
Digital and Customer Service

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