

Reference: 19360998

Date: 19 April 2021

Dear Belinda Schwehr

Re: Freedom of Information Act 2000

We write in reference to your Freedom of Information request.

Section 1 of the Freedom of Information Act 2000 provides two distinct but related rights of access to information which impose corresponding duties on public authorities. These are:

- The duty to inform the applicant whether or not information is held by the authority and, if so,
- The duty to communicate that information to the applicant

We can confirm that the information requested is held by The London Borough Of Barking & Dagenham. I have detailed below the information that is being released to you.

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

93

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

We have taken your answer to mean how many appointee's do we manage and are supported by a Financial Assessment however have a contribution towards their care following this assessment. 17 people have a client contribution in non-residential.

3. Which department is responsible for administering appointeeship?

Benefits

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

We have taken your question to mean who in the service is responsible for undertaking Financial Assessments to determine how much a person can contribute towards their care and have answered this question on that understanding. The Benefits Department administers Financial Assessments.

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

We have taken your question to mean how many officers carry out an overlapping role with regards to appointeeships and Financial assessments and determining contributions towards care and have answered on that understanding. Officers do not overlap.

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?

N/A as this is not within the appointeeship Remit/role

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

N/A as this is not within the appointeeship Remit/role

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

N/A as this is not within the appointeeship Remit/role

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?

N/A as this is not within the appointeeship Remit/role

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?

N/A as this is not within the appointeeship Remit/role

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?

The provision of appointeeship services are not statutory duties for local authorities, the Care Act 2014 states that local authorities should provide 'information and advice on the Court of Protection, Power of Attorney and becoming a Deputy'. As part of a Care Act needs assessment, a person may be referred to the appointeeship service if they are a vulnerable person lacking financial capacity who does not have the appropriate support from friends and family. They may also be referred if they have experienced financial abuse and the referral is made as part of safeguarding outcomes.

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

Appointeeship's are chargeable at £8 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 charge is classed as DRE and disregarded.

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)?

The charge is classed as DRE and disregarded.

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.

No conflict of interests as the appointeeship only manages benefits for an individual and does not undertake any wider financial or welfare matters.

Internal Review Procedure

If you are dissatisfied with the handling of your request then you have a right under Section 50 of the Act to request an internal review. All such requests must be sent to us within 8 weeks and must clearly state your reference number and your reason for your request for an internal review.

We will respond to your request for an internal review within 20 working days of receipt. Your request for an internal review should be sent by email to foi@lbbd.gov.uk quoting your FOI reference number.

Information Commissioners Office

Should you remain dissatisfied with the final outcome of the internal review then you may apply directly to the Information Commissioner (the "ICO") for an independent review. The ICO is the Government's Independent Body responsible for overseeing the Freedom of Information Act 2000, the Data Protection Act 1998 and The Environmental Information Regulations 2004. Please note the ICO will only review cases that have exhausted the council's internal review procedure. All correspondence to the ICO must quote the council's reference number and your reasons for your appeal. The ICO's contact details are as follows;

The Information Commissioners Office,
Wycliffe House,
Water Lane, Wilmslow,
Cheshire,
SK9 5AF.

More information can be found at the ICO's website at <http://www.ico.org.uk> If you have any further enquiries about this matter, please do not hesitate to contact us by emailing foi@lbbd.gov.uk

We trust you find the above to be satisfactory but should you have any queries please do not hesitate to contact us.

Yours faithfully

The FOI Team