

FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

1. EMCARE understands that prior to the Council's engagement of Rockhaven, the Council engaged the services of the Social Care Association to enquire as to the actual costs of care for the purposes of the fee setting process for the year 2011/12. EMCARE understands that the findings of the Social Care Association as to the actual costs were significantly higher than those reported by Rockhaven. EMCARE has not had sight of the findings of the Social Care Association and hereby formally requests full disclosure of all documents produced by the Social Care Association in connection with its findings into the costs of care.

The Council has the following documents produced by the Social Care Association in connection with its findings into the cost of care;

Draft confidential Progress report Mutuals, Markets and Fees.

The City Council disputes the findings of the Social Care Associations conclusion that*the majority of care homes that returned data ran at a slight deficit.* Further work was undertaken to validate this assertion and the Council obtained the publically available audited accounts from Companies House for each of the organisations who submitted data. Of the 4 companies;

- One was a not for profit organisation which was not considered typical of the market within Leicester.
- One demonstrated that despite submitting data that they were making a loss their accounts showed a profit of over £100K.
- One demonstrated that they were breaking even, and
- One indicated a large loss, whereas financial accounts did not evidence this, had the project continued this would have been investigated further.

Comparison of Fees Level

Letter to Providers

Draft Agenda for Providers Meeting

Meeting notes 27/10/2011

Power point Presentation 14/10/2011

The other appendices mentioned are Leicester City Council documents and not SCA.

Junior staff names are exempt from release under s40(2) of The Act as they are personal data and have been redacted from the documents attached. This therefore acts as a refusal notice under section 17 of the Freedom of information Act 2000.

2. The Older Persons Report refers to a number of 1:1 meetings between Rockhaven and certain care providers. The data from those meetings particularly in light of the concerns raised as to Rockhaven's analysis is now highly relevant to this consultation period and should be disclosed in its entirety (redacted where necessary to preserve provider confidentiality). Without the disclosure of this information EMCARE is not in a position to provide a definitive and intelligent response to the Rockhaven calculations.

We have applied the following exemptions:

Section 41 (a)(b) Information Provided in Confidence.

When the originator imparted this information they did so on the understanding that it would be used for the purpose for which it was supplied.

Section 43 Commercial Interests.

Under s43(2), information is exempt if its disclosure would, or would be likely to, prejudice commercial interests of any person (including the public authority holding it).

The purpose of the one to one meetings was to provide a suitable confidential forum to allow operators to openly discuss the challenges that they faced on a day to day basis without the risk of sharing their sensitive operational and financial data with their competitors. This approach was explained at the outset of the initial 1:1 meetings and assurances provided their data would not be released. It was only on this understanding that the 1:1 meetings proceeded.

Based on the data provided it is clear that the modus operandi differs markedly across the portfolio of care home operators in the area. Such is the extent of the variation that most of the operators employ at least one competitive advantage which would be useful to their competitors. Given the sensitivity of the data it is essential that its confidentiality is preserved, and it would be wholly inappropriate to release this data under a FOIA request. To do so would be in breach of Section 43 (commercial interest) and 41 (confidentiality).

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If you are dissatisfied with the handling of your request please write to:

Information Governance Manager
Information and Support
Leicester City Council
FREEPOST (LE985/33)
New Walk Centre
LEICESTER LE1 6ZG
e-mail: info-requests@leicester.gov.uk

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