

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:

In accordance with the Freedom of Information Act 2000, Could you please supply your latest details on providers for the following; domiciliary care, carer support and re-ablement services.

Our main contracted Independent providers are:

Always There Home Care

Amicare

Care UK Homecare

Carewatch Care Services

Housing 21

Direct Health UK Ltd

Domiciliary Care Services

Help at Home

New Horizon Care Ltd

Westminster Homecare

In House Home Care, Leicester City Council

Where relevant, could you please provide details in spreadsheet format, e.g Excel or CSV (not PDF)?

The request for specific information in relation to these services is listed below:

Purchasing Levels by the Council for these individual services and breakdown, where applicable in terms of numerical and monetary figures from financial year 2010/11 to financial year 2011/2012 from 1st April 2011 to 31st January 2012.

Independent Sector - 18,000 hours p/w Budget £11.5+ Million. This is on going and applies to each year.

Number of individuals the Council commissioned care to for the individual services

Independent sector - the service is commissioned for approx. 1800 service users.

A list of care providers for the individual services currently registered with the Council;

For personal budget / Direct Payments, the service user goes to a provider of their choice. We do not keep a listing.

Broken down by contracted (block & spot contracts) and secondary registered and framework purchasing contracts.

Block Contracts -7, Spot - 6 No framework in place.

When does the current set of contracts for providers for spot, block and framework purchasing expire?

January 2013

Is a domiciliary care provider required to be on your list to provide care to the PCT or people via Direct Payments?

No.

Can you supply the names and addresses of private providers/ Have access to a link which provides this information?

We do not have a list/link of the names and addresses of private providers. The Council does not hold this information. Therefore this letter acts as a refusal notice under section 17.1 of the Freedom of Information Act 2000 because, in accordance with section 1.1 of the Act, this information is not held by Leicester City Council.

What is the maximum, minimum and mean price that each provider charges the Council?

Section 17 of the Freedom of Information Act 2000 requires Leicester City Council, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The following exemption has been applied:

S43 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).

S43 is a qualified and class-based exemption. As a class-based exemption, legislators have already accepted the harm in the release of this class of information. As such, there is no requirement for us to evidence the harm in disclosing this information. However, as this exemption is also qualified, we are obliged to apply the public interest test.

Public Interest Test.

Factors favouring disclosure:

Use of public resources - where public resources are being used, there is public interest in accountability and justification. One of the underlying principles of the Act is the need to be open and transparent. In this case, there is public interest in establishing that Leicester City Council has negotiated a competitive rate for the provision of care from the contracted independent providers.

Factors favouring non-disclosure:

Interests of third parties - where third party interests may be jeopardised by the release of information that relates to sensitive commercial information held about a business.

Business rivals would benefit from knowing the benchmark for payments made and this would provide the opportunity for outbidding (or possibly, but less likely, undercutting), potentially damaging the commercial interests of the specific companies in question.

The disclosure of contractual information may also disadvantage the Authority in negotiating future contracts with the companies concerned and that of other care providers. As this information is released to the world, there may be cases whereby contractors are unfairly advantaged over others who are not aware of the publication of this information.

Leicester City Council has a moral duty to protect the sensitive commercial information it holds about any private company it has dealings with.

Balancing Test

When balancing the public interest test, we have to consider whether the information should be released into the public domain. In this case there is the use of public resources favouring disclosure which needs to be weighed against the interest of third parties for non-disclosure.

By releasing the requested information the commercial interests of a business may be compromised, along with the relationship the Authority has with that company. Therefore the factor favouring non-disclosure, interests of third parties outweighs the factor favouring disclosure, use of public resources.

As such, it is our decision that the public interest favours non-disclosure of the release of the minimum and maximum price that each provider charges the Council. However, the mean price charged is as follows:

Generic Dom care: The mean is £12.12.

Specialist: The mean is £13.32

Is there going to be any significant change in the future to Adults Services in terms of procurement to providers in terms of these individual services?

A decision has not been taken.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the

information please contact the Information Governance Manager using the details below.

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: FOIA@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

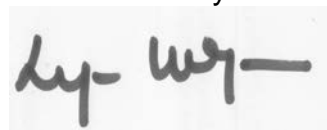
Wilmslow SK9 5AF

Telephone: 01625 545 700

www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Lynn Wyeth', is shown on a light background.

Lynn Wyeth

Information Governance Manager