

## **FREEDOM OF INFORMATION ACT 2000**

I write in response to your letter of 17<sup>th</sup> November 2011 addressed to the Chief Executive, and our subsequent letter to you of 4<sup>th</sup> January in which we advised you that to the extent that your questions 1 - 6 were asking for recorded information held by the Council, it had been decided that your letter should be treated as a Freedom of Information request and would therefore be processed accordingly.

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

### **You asked:**

**"We invite you ... to provide a brief summary of the authority's current position and, where appropriate, any remedial action being taken, on the following six issues, below."**

- 1. "Whether the authority has recently undertaken an accurate assessment of the legitimate, current and future costs faced by homecare providers, and whether the authority operates a fee negotiation arrangement that recognises these costs in full."**

New home care contracts came into effect in January 2009 following a full tendering process. The contracts were for 3 years and were due for expiry in January 2012. Following discussions with each of the providers the contracts have been extended for a further year to January 2013. These discussions included the price pressures faced by the homecare providers.

- 2. "Whether, either: the authority has breached existing clauses in contracts, particularly in relation to inflationary up-lifts; or: where contracts currently provide the authority with a unilateral right to vary or hold contract prices at existing levels, which has been exercised."**

The tender documentation states:

**"The Council's Elected Members agreed increase in the contract price shall be applied on the respective anniversary of the date of commencement of the Service and thereon."**

An increase was awarded in the year 2010; no increase was awarded in the year 2011.

- 3. “Whether the authority has engaged in reassessment of homecare packages that have resulted in a general reduction in visit times; or has adopted a per-minute billing system which has reduced providers’ income, without a comparable reduction in providers’ operating costs.”**

We do not and have not intentionally reduce(d) hours of service provided. Re-assessments of individual service users by our care management staff assess whether we are meeting needs and whether the hours commissioned are adequate. Our key domiciliary care providers are using Electronic Call Management which can also provide care management staff with accurate details of the hours/minutes they spend with the service user.

The authority does not operate a ‘per-minute’ billing system.

- 4. “Whether the authority’s contracting arrangements have added additional costs for providers (for example the introduction of electronic call monitoring) which have not been reflected by an increase in the contract price.”**

New home care contracts came into effect in January 2009 following a full tendering process, with providers having until 1<sup>st</sup> June 2009 to implement an Electronic Care (call) Monitoring system. This requirement was included in the service specification issued as part of the tender process and, as such, each provider had a full opportunity to reflect any costs incurred in meeting the council’s service specification in the tender prices submitted.

- 5. “Whether service users receiving direct payments can realistically buy regulated care services, if they choose to, that will meet their assessed needs.”**

Yes, service users receiving direct payments can, if they choose to, realistically buy regulated care services that will meet their assessed needs.

- 6. “The council’s view on whether contract terms and prices could be found by the courts to have created a reduction in the quality of service provision, which may put citizens who use care services at risk.”**

The Freedom of Information Act makes provision for access to recorded information held by public bodies. To the extent that Leicester City Council holds no recorded information about whether contract terms and prices for its domiciliary care contracts could be found by the courts to have created a reduction in the quality of service provision, which may put citizens who use care services at risk, this is therefore 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.

We do however wish to make the comment that our contract terms are transparent. We also meet providers in partnership meetings every two months where issues of quality are discussed. In addition to this, if any concerns are raised by the service users these are investigated and improvements implemented.

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.

May I apologise for the delay in responding to your request, and for any inconvenience this may have caused.

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](mailto:FOIA@leicester.gov.uk)

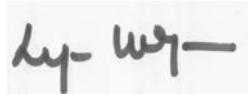
Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

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](http://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 black ink, appearing to read "ly-wy-

**Lynn Wyeth  
Information Governance Manager**