

Please ask for: Lynn Wyeth
Direct Line: 0116 252 7605
E-mail: lynn.wyeth@leicester.gov.uk
Fax: 0116 252 7616
Our Ref: FOI 0610
Date: 26th March 2012

Ms C. Jayanetti

By email: cjayanetti@gmail.com

Dear Ms Jayanetti

FREEDOM OF INFORMATION ACT 2000

I write further to your email of 30th October 2011, and our acknowledgement letter of 31st October 2011. In your email of 30th October, you asked:

“I am requesting information under the Freedom of Information Act for each of the following care homes:

- **Rushey Mead Manor Care and Nursing Home**
- **Geraint House**
- **George Hythe House**
- **Aberry House**
- **Alston House**
- **The Manor Care Homes**
- **Langdale View**
- **Grey Ferrers Nursing and Residential Home Abberdale House**

For each of the above-listed care homes, I am requesting disclosure of the following information for the financial years 2011/12, 2010/11, and 2009/10:

- **the number of placements purchased by the council for each care home**
- **the agreed cost per placement purchased by the council for each care home (measured in the standard unit for such agreements used by the council, e.g. per day, per month etc)**
- **the total cost of placements purchased by the council for each care home**

I would like the information broken down by care home, by financial year (i.e. how much spent etc with each care home per year).”

The council does not block-book residential care with any supplier. Each placement is purchased via an Individual Placement Agreement. We therefore estimate that in order to answer your request in full, it would take significantly in excess of 18 hours to identify and extract the necessary information from our information systems. Furthermore, the complexity of reporting required to extract the necessary information is arguably such that the information is not actually held by the council.

To this extent, this is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request will exceed the appropriate limit.

To the extent that the information you are seeking is not actually held by the Council, 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.

Dependent upon how we proceed with your request, the following exemptions may apply to the information regarding the number of placements made at each of the care homes and the agreed cost of each placement:

- Section 43 – Commercial interests
- Section 40 – Personal Data
Section 40(2) of the Act provides that personal data about third parties is exempt information if one of the conditions set out in section 40(3) is satisfied. At this stage, it is conceivable that information regarding the number of placements or the cost of an individual placement at a particular establishment could render a person (and potentially the cost of their placement) identifiable. If such circumstances were to arise when the data were compiled, disclosure of the placement and its associated cost could breach the fair processing principle contained in the Data Protection Act (DPA), as it would be unfair to the person(s) concerned and is confidential personal data about them.

In the event that the Section 43 exemption were to apply, then the council would need to undertake a public Interest test to determine whether the information should be released or withheld.

You stated in your request that:

“In the event that fulfilling this request is likely to exceed the section 12 time limit, please limit this request to the number of placements purchased, and exclude the provisions around costs.”

You also indicated that you may be amenable to the council making recommendations for alternative phrasing or scoping of your request.

We are happy to work with you to assist you in refining your request to bring it under the 18 hour appropriate limit. I will therefore now explain what information we may readily be able to provide; and what further clarification

we would need from you in the event that our proposal is not acceptable to you.

Information Available from Existing Data Extracts

We do already have some data extracts available from which we could partially answer your questions. The extracts available:

- cover the 3 financial years 2008-09, 2009-10 and 2010-11, rather than the 3 financial years 2009-10, 2010-11 and 2011-12 which you requested;
- cover only long term placements (i.e. exclude short-term or respite placements);
- include only placement agreements relating to persons who were aged 65 years or over at the start of the financial year concerned; and
- reflect placements agreements, rather than individual people, i.e. one person may have more than one placement agreement in place during the course of a financial year.

We could thus provide to you the number of long term placement agreements in respect of persons aged 65 years or over at the start of the financial year in question. This information would be broken down by home and by financial year. We would also ask you to note that the information provided, would give no indication of the length of placements concerned.

Further Clarification Required in the Event that the Information Available from Existing Data Extracts Does Not Meet Your Requirements

In the event that the information that can be provided from existing data extracts does not meet your requirements, then if we were to locate and extract information purely on the number of placements purchased at each home, before proceeding we would need the following clarification from you:

- that you are seeking information in respect of all placements at these establishments, irrespective of whether they are/were long or short term placements;
- that you are seeking information in respect of all placements at these establishments, irrespective of the age of the service user (i.e. no distinction is to be made between adults aged 18-64 years and older persons aged 65 years and over);
- that you are seeking information based on placements (i.e. individual placement agreements), rather than people. Please note that a person may have more than one placement agreement with the same home in any given year;
- whether you are seeking information in relation to every placement at each of the establishments listed that was current at some point during the financial year in question; or you are, for example, only seeking information regarding those placements that started during the year in question.

Again, the information provided, would give no indication of the length of placements concerned.

When you have provided clarification on the four points above, we would then need to make a further assessment of the work involved in creating a bespoke report to extract this data from our systems, in order to determine whether this can be achieved within the 18 hour 'appropriate limit' for locating and extracting information from systems.

If, having established the basis upon which information on the number of placements purchased at each home is to be progressed, you then still wish us to pursue provision of the cost of each placement, then there are a number of further points on which we would then need to seek clarification from you before proceeding to refine our estimate of whether this can be achieved within the 18 hour 'appropriate limit'.

Once you have clarified your request, we will be able to reconsider it. Before submitting a written request for clarification, if you have any queries, please do not hesitate to contact Karen Mosley, Corporate Business Support Manager (Adults Social Care) on telephone no. 0116 256 8229.

If written clarification is not received from you within three months your request will be considered to have lapsed. Under section 1(3) of the Freedom of Information Act (FOIA), a public authority need not comply with a request unless any further information reasonably required to locate the information is supplied.

Please quote reference number "FOI 0610" in any future communications about this request.

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

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

Lynn Wyeth
Information Governance Manager