

## **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. What is the name of the contract under which the council procures personal care for vulnerable adults in their own homes (domiciliary care).**

Person Centred Domiciliary Services contracts (Personal Care)

**2. When did this contract commence, and what is the term of the contract?**

January 2009 – 3 + 1 year extension

**3. Are there any extension periods applicable to the contract and what are they?**

Yes. One year

**4. What are the names and addresses of the providers contracted to provide these services to the council?**

Provider name and address list is attached.

**5. How many hours per week of domiciliary care, on average, are commissioned by the council?**

18,000 hours per week

**6. What is the average price per hour paid by the council to private providers for this service?**

Generic Domiciliary Care	£12.14 per hour
Specialist	£13.07 per hour

**7. What is the highest hourly rate paid by the council for domiciliary care under the contract?**

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 exemption and we are obliged to apply the public interest test.

**8. What is the lowest hourly rate paid by the council for domiciliary care under this contract?**

S43 Commercial Interests

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**9. What is the hourly rate of funding made available by the council to residents who wish to purchase their own care from an agency using the Direct Payment route?**

£11.77 per hour

**10 What is the hourly rate of funding made available by the council to residents who wish to employ a P.A. using the Direct Payment route?**

£9.95 per hour

**11. What is the hourly rate charged to service users by the council for the purchase of domiciliary care?**

£10.12 per hour for Domestic Care

**12. How is the percentage of the contribution made by the service user to the cost of their care (if any) calculated?**

It is not a percentage of the cost of their care. Contributions are based on the service user's income when compared to 125% of the Department For Work & Pensions applicable amounts for income support plus housing costs, council tax costs and disability related expenditure. The difference of any income that is more than the compared total is the maximum contribution. The lower amount of either the cost of the services or the maximum contribution is charged each week.

The following exemption has been applied:

S43 Commercial Interests

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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 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. 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. 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.

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: [info-requests@leicester.gov.uk](mailto:info-requests@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**

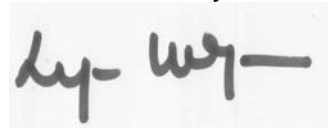
**Wilmslow SK9 5AF**

**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 'Lynn Wyeth', is written on a light-colored rectangular background.

**Lynn Wyeth**  
**Information Governance Manager**