

Freedom of Information Act 2000 - Request Reference FoI/23/436

Supported living

Information Requested:

- 1. Please could you supply the name, email address and telephone number of the commissioner with responsibility for placements in supported living.**

After considering your request, Cardiff and Vale University Health Board (the UHB) believes that the data requested is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

- 2. Please provide the total number of adults (aged 18-64) with a primary support need of learning disabilities (LD), autism (ASD), or mental health (MH) needs funded by the ICB/Health Board and receiving long-term care in supported living settings. Please provide data for the financial year 2021/22, 2022/23 and where possible, projected figures for 2023/24.**

- a. How many are placed in area (i.e. within the ICB/Health Board boundary)?**
b. How many are placed out of area (i.e. outside the ICB/Health Board boundary)?

	LD			MH		
	21/22	22/23	23/24	21/22	22/23	23/24
a. How many are placed in area (i.e. within the ICB/Health Board boundary)?	18	18	19	58	66	57
b. How many are placed out of area (i.e. outside the ICB/Health Board boundary)?	3	2	2	4	2	2

Please note: period 23/24 is to Aug-23 only. Figures include inactive packages (leavers).

* The UHB is only able to provide information in relation to MH/LD as the UHB does not centrally collate information in relation to ASD. Please see the below exemption:

In completing a search for the information requested, Cardiff and Vale University Health Board (the UHB) has confirmed that this information is not centrally recorded or collated. To retrieve the information requested would require a manual search through individual records and the UHB considers that this would exceed the limit set within regulations for responding to a request. The UHB has therefore relied upon the Section 12 exemption ('Exemption where cost of compliance exceeds appropriate limit') of the Freedom of Information Act 2000 and is refusing your request.

The UHB has estimated that to complete the work needed to respond to this request would exceed the time limit as set within regulations to respond to a Freedom of Information Act request. Under the Act there is an allowance of two and a half days, or 18 hours, to comply with a request and the cost limit set within the fees' regulations for this amount of work (18 hours) is £450 for the UHB. The fees regulations specify that the cost of complying with a request must be calculated at the rate of £25 per hour.

3. Please provide the number of (a) New joiners and (b) Leavers of adults (aged 18-64) with a primary support need of LD, ASD or MH needs in long-term supported living settings. Please provide data for the financial year 2021/22, 2022/23 and where possible, projected figures for 2023/24.

(Please note, by new joiner we mean an individual who is new to adult social care during the year, or was previously not in a long-term supported living setting. By leaver we mean a person whose case is closed with adult social care, or whose supported living placement has ended and been replaced by a different service (e.g. a residential placement))

a. New joiners

b. Leavers

	LD			MH		
	21/22	22/23	23/24	21/22	22/23	23/24
a. New joiners	2	3	3	10	12	2
b. Leavers	2	1	0	4	13	4

Please note: period 23/24 is to Aug-23 only.

4. Please provide a list of providers of supported living services used by the ICB/Health Board to place adults (aged 18-64) with a primary support need of LD, ASD or MH receiving long-term care. To clarify, this does not include sole providers of accommodation, such as Housing Associations; only registered care providers, and is only those providers registered as a care agency with the inspectorate. Please provide data for the latest month (if available); if not, the last financial year 2022/23

a. Please provide, for each provider, the number of adults aged 18-64 with LD, ASD and MH funded by the ICB/Health Board in long-term supported living placements.

b. Please provide total expenditure with each provider related to long-term placements in supported living for adults aged 18-64 with LD, ASD and MH.

After considering your request, Cardiff and Vale University Health Board (the UHB) considers this information to be exempt from disclosure under the Freedom of Information Act 2000 (Section 43) Commercial Interests. This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption was considered by the UHB when deciding whether to disclose information because it considered that in doing so there could be a significant risk in prejudicing the commercial interests of both

the supplier and the UHB. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

In favour of disclosure: There is a public interest in transparency and in the accountability of spending of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services.

Against disclosure: It has been established that releasing the information sought under the Freedom of Information Act, to which the UHB is subject, will give an unfair advantage to the supplier's competitors. There is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining position with suppliers. This in turn could lead to less effective use of public funds in future. The UHB believes that there is wider established public interest in suppliers not being prejudiced merely because they have contracted with a public sector body (as upheld in ICO decision notice FS50473543 ICO v Royal Marsden Hospital Trust).

Decision: The UHB considers that the public interest in withholding the information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the supplier to which this information concerns. The UHB believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could have the effect of discouraging companies from dealing with the Health Board because of fears that the disclosure of information could damage them commercially. In turn this could then jeopardise the Health Board's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. It was therefore decided that it was not in the public's interest to disclose this information.

5. Please provide the average weekly fee the ICB/Health Board pays to providers of long-term care in supported living settings for adults (aged 18-64) with LD, ASD and MH. Please provide data for the latest month (if available); if not, the last financial year 2022/23

LD	MH
£1,337	£1,122

Please note: latest month - includes joint-funded patients at 50% only

6. Please provide the number of adults (aged 18-64) with a primary support need of LD, ASD and MH needs in supported living with fees per week of:

	LD	MH
a. Less than £500	3	3
b. £500 to £749	3	9
c. £750 to £999	5	13
d. £1,000 to £1,249	1	13
e. £1,250 to £1,499	5	7
f. £1,500 to £1,999	1	7

g. £2,000 to £2,499	1	2
h. £2,500 or more	2	1

7. Please provide the (a) highest, (b) lowest and (c) average hourly rate the ICB/Health Board pays to providers of supported living services for adults (aged 18-64) with a primary support need of LD, MH and ASD. Please provide data for the latest month (if available); if not, the last financial year 2022/23

- a. Highest
- b. Lowest
- c. Average

The UHB does not hold information on hourly rates info for supported living.