

30 March 2021
Our ref: 7152140

Thank you for your request received on 22 March 2021, for the following information:

To whom it may concern

- 1. How many individuals is the local authority acting as an appointee for, please?**
- 2. How many of these individuals (in area or out of area) pays adult social care charges to the council for non-residential services?**
- 3. Which department is responsible for administering appointeeship?**
- 4. Which department is responsible for assessing social care charges?**
- 5. How many officers in either department carry out an overlapping role with regard to appointeeship and care charges?**
- 6. How many times has the appointeeship team responded to a consultation on behalf of individuals or any group of benefits claimants regarding a change in the council's charging policy, since 2015?**
- 7. How many appeals about care charges has the appointeeship team submitted to the financial assessment team since 2015?**
- 8. How many complaints has the appointeeship team submitted regarding care charges since 2015?**
- 9. How many times has the appointeeship team sought or referred individuals they act for, to independent advice (whether third sector, legal aid or privately funded) about care charges, since 2015?**
- 10. How many times has the appointeeship team questioned the accuracy, fairness or legal validity of individuals' care charges or the council's charging policy, since 2015?**
- 11. Does the council treat appointeeship as a Care Act service? If so, does it charge for that as part of the Care Act charging system?**
- 12. How much does it charge, if it makes a charge, per month or per week or per year, please?**

13. If appointeeship is not provided for through the Care Act, does the council allow for a DRE deduction from Disability Benefits income, for the charge it makes for appointeeship (assuming a person is otherwise chargeable)?

14. If the council does not operate appointeeships for adult social care clients, does the council permit a full DRE deduction from Disability Benefits income, for any charge levied by any other corporate or private appointee (assuming a person is otherwise chargeable)?

15. In respect of all council clients who are currently in receipt of adult social care services, regarded as liable to pay a charge for their adult social care services, for whom the appointee role is currently undertaken - how is the relevant department holding the appointeeship responsibility proposing to manage the conflict of interest presented by the judgment in the Norfolk CC v SH case in December 2020, given that the decision means that other similar policies are presumptively unlawful? Please answer with a sentence or a paragraph; it is suggested that it is not a proper response to say that no decisions have been made, as yet, because the problem already exists.

We have processed this request under the Freedom of Information Act 2000.

Response

The council holds the information requested and the answers to your questions are below

1. How many individuals is the local authority acting as an appointee for, please?

120

2. How many of these individuals (in area or out of area) pays adult social care charges to the council for non-residential services?

20

3. Which department is responsible for administering appointeeship?

Customer Financial Affairs.

4. Which department is responsible for assessing social care charges?

Financial Assessment Team.

5. How many officers in either department carry out an overlapping role with regard to appointeeship and care charges?

None.

6. How many times has the appointeeship team responded to a consultation on behalf of individuals or any group of benefits claimants regarding a change in the council's charging policy, since 2015?

Three times.

7. How many appeals about care charges has the appointeeship team submitted to the financial assessment team since 2015?

Twice. Financial Assessments are correct most of the times and accurate information is given to the Financial Assessment Team. The appeal would be mainly about any dispute regarding DREs or treatment of income.

8. How many complaints has the appointeeship team submitted regarding care charges since 2015?

None. All disputes are resolved without the need to complain.

9. How many times has the appointeeship team sought or referred individuals they act for, to independent advice (whether third sector, legal aid or privately funded) about care charges, since 2015?

CFA officers have detailed knowledge of the Care Act and charging policies. They are also members of NAFAO and APAD so if specialist advice is needed they seek assistance from them.

10. How many times has the appointeeship team questioned the accuracy, fairness or legal validity of individuals' care charges or the council's charging policy, since 2015?

No records are kept, but this is done as and when necessary.

11. Does the council treat appointeeship as a Care Act service? If so, does it charge for that as part of the Care Act charging system?

Not charged.

12. How much does it charge, if it makes a charge, per month or per week or per year, please?

N/A

13. If appointeeship is not provided for through the Care Act, does the council allow for a DRE deduction from Disability Benefits income, for the charge it makes for appointeeship (assuming a person is otherwise chargeable)?

N/A

14. If the council does not operate appointeeships for adult social care clients, does the council permit a full DRE deduction from Disability Benefits income, for any charge levied by any other corporate or private appointee (assuming a person is otherwise chargeable)?

Yes.

15. In respect of all council clients who are currently in receipt of adult social care services, regarded as liable to pay a charge for their adult social care services, for whom the appointee role is currently undertaken - how is the relevant department holding the appointeeship responsibility proposing to manage the conflict of interest presented by the judgment in the Norfolk CC v

SH case in December 2020, given that the decision means that other similar policies are presumptively unlawful? Please answer with a sentence or a paragraph; it is suggested that it is not a proper response to say that no decisions have been made, as yet, because the problem already exists.

There is a clear segregation of duties and officers acting on behalf of the residents always acting in their best interest and exercise a high degree of professionalism and professional integrity. This is regularly monitored by OPG and COP.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.