

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 February 2016

Public Authority: West Sussex County Council
Address: County Hall
Chichester
PO19 1RQ

Decision (including any steps ordered)

1. The complainant has requested information about its Resource Allocation System with regards to customers and carers. West Sussex County Council ('the Council') disclosed some information and the complainant considers that the Council holds more information that it has not disclosed with relation to parts 1, 2 and 4 of his request.
2. The Commissioner's decision is that, on the balance of probabilities, West Sussex County Council has disclosed all the information that it holds that falls within the scope of these three parts of the request. He considers the Council has met its obligations under section 1(1) of the FOIA and does not require it to take any steps.

Request and response

3. On 2 April 2015, the complainant wrote to West Sussex Council ('the Council') and requested information in the following terms:

"Under the Freedom of Information Act 2000, I request the following comparative information for both pre- and post-Care Act periods of operation:

*1. Copies of any and all forms and explanatory material used for *both* customer and carer needs assessments, reviews, and reassessments. Based on published AS workflows, this should include but may not be limited to forms identified as AS002, AS003, and AS005 and any variants of these used for different customer groups (older people, LD, AMHS and any others). The identifiers may have changed since the*

workflows were published. Please supply complete forms with all sections.

*2. Copies of any and all documents related to the guidance, policy, and procedures on the use of resource allocation system ("RAS") or its equivalent for *both* customers and carers according to each customer group (e.g. older people, LD, AMHS and any others) and worksheets/spreadsheets and associated RAS guidance documentation to allow me to calculate indicative budget allocation amounts from the responses on assessment/reassessment forms supplied above. To be clear, this should include the resource allocation matrix (weighting matrix) so that scores/points of any response can be converted in indicative budget amounts.*

*3. Copies of any and all support planning forms, letter templates, guidance, policy, and procedures documents for *both* customer and carers according to each customer group (e.g. older people, LD, AMHS and any others). Please supply complete forms with all sections.*

In addition, please supply:

*4. Copies of any and all internal documents evaluating, discussing and deciding how indicative budget amounts would alter for *both* customers and carers between pre- and post-Care Act periods of operation. I would expect this to include information on the numerical/statistical evaluation of changes to scoring/points and resource allocation matrix, e.g. tests of different models and tuning to keep estimated total funding allocations within AS budgetary limits. It is possible that these documents may have been email attachments and not held centrally.*

If any acronyms are used in the documents supplied (except those I have used myself in this request), please explain what these acronyms mean in everyday language.

To save paper, please supply this information electronically in either .pdf, .doc/.docx, or .xls/.xlsx format. Please ensure that any document conversion (such as from online systems) to these formats does not result in information being lost or obscured. Please contact me if this presents any difficulties or you wish to supply in alternative formats.

To assist, I believe this information should be available digitally from framework (Fwi) system and/or stored on WSCC staff intranet ('The Point').

If you are unable or unwilling to supply this information, please give the specific legal grounds for your decision with a statement of reasons for each exemption used. I would remind you that equivalent AS operational, policy and procedural information held on staff intranet was disclosed to me on CD under previous FoI requests in 2010 and 2011."

4. The Council responded on 1 May 2015. It said it did not hold information relevant to the request. It also said that under section 21 of the FOIA it was not obliged to release information to the complainant that is already reasonably accessible to him. The Council provided a web link where it said documents relevant to Q1-3 of his request are published, and another web link to where it said a document relevant to Q4 of the request is published. The Council said that the Resource Allocation System (RAS) for the cared-for person was not amended on 1 April 2015 and that the current RAS was under review with the review expected to be completed in the summer. (A Resource Allocation System is any set of rules that allows fair allocations to be made to people who need extra support.)
5. Following an internal review the Council wrote to the complainant on 26 May 2015. It acknowledged that its use of section 21 had not been appropriate as the information to which it had directed the complainant did not address his request. The Council sent to the complainant web links to particular forms that it said it had gathered together as a result of the review. The links were found not to work and the Council sent a copy of this information to the complainant, in seven documents, on 27 May 2015.
6. During the Commissioner's investigation, on 21 December 2015, the complainant was provided with further information, namely a 'RAS Report to ASR Programme Board – 15 January 2014' and Appendix 1 of that report, which provides detail on the RAS as a 'matrix calculator'.

Scope of the case

7. The complainant contacted the Commissioner on 27 August 2015 to complain about the way his request for information had been handled. After liaising with the Commissioner, the complainant confirmed that he is not satisfied with the Council's response to Q1, Q2 and Q4 of his request. He considers that the Council must hold further information that it has not released to him.
8. The Commissioner has considered whether, on the balance of probabilities, the Council has released to the complainant all the information that it holds within the scope of Q1, Q2 and Q4 of his request.

Reasons for decision

9. Section 1(1) of the FOIA says that any person who makes a request for information to a public authority is entitled to be informed whether the authority holds the information and, if it does, to have that information communicated to him or her.
10. By way of background, the Council has told the Commissioner that the Care Act 2014 came into force in April 2015 with the remaining parts coming into effect in April 2020. The Care Act is mainly for adults in need of care and support and their adult carers. The complainant says that the purpose of his request is to compare pre-Care Act social care operations with post-Care Act operations.
11. The Council has released to the complainant eight documents. It released seven initially: AS002 Assessment form, AS005 Reassessment form, AS035 Standalone Carer Assessment form, AS037 Standalone Carer Review, AS103 Support Plan, AS104 Review, WSCC Carers RAS Information – 18 May15 and RAS Report to ASR Programme Board – 15 January 2014 (with Appendix 1) . It released a further document during the Commissioner's investigation, on 21 December 2015. The Council also provided some narrative information on the Carers RAS, namely that it had not changed.

The Council's submission

12. In its submission, the Council has told the Commissioner that its Service Development Lead (Professional Practice) – Care Wellbeing and Education, and Adult Services Engagement and Consultation Lead confirmed that all the information that the Council holds relevant to Q1, Q2 and Q4 of the request has been released to the complainant.
13. The Council says that any data about assessments, reviews and information about the RAS would be held in the 'Professional Zone' area of its 'Connect to Support' website. (This website connects individuals to care and support available in West Sussex.) The relevant information that the Council initially sent to the complainant (the seven documents) is held separately, on its social services adult's records management system.
14. On 1 February 2016, the Council told the Commissioner that the search for information that it undertook had included consideration of whether some of the information the complainant has requested could be held in emails or email attachments. The Council confirmed that it has identified all the relevant information that it holds and that it has released this to the complainant.

The complainant's arguments

15. The complainant considers that the Council holds further information relevant to the parts of his request in question. This is because it has previously released detailed information to him about RAS operations in response to similar FOI requests he submitted in 2010 and 2011. However, in response to the Commissioner's questioning, the complainant confirmed on 8 February 2016 that the information the Council has now disclosed about the revised RAS is less detailed than the previous version [that he has received in 2010/2011] but that it is not possible to point to any particular document that is missing.
16. With regard to Q1 of his request, the complainant says that the Council has not supplied any pre-Care Act information.
17. With regard to Q2 and Q4, the complainant says that the Council's response does not address its pre or post-Care Act operations. He considers that the Council must have engaged in internal financial risk modelling to determine the consequences of changing its RAS scoring system from pre-Care Act to post-Care Act.
18. As referenced at paragraph 15, the complainant says that the Council disclosed to him detailed information concerning RAS operations following separate FOI requests in 2010 and 2011. Consequently, he considers that the Council must hold the information he has requested in Q2 and Q4.
19. On 16 December 2015 the complainant sent the Commissioner a copy of an agenda item from a Council Regulation Audit and Accounts Committee from 26 September 2014. The agenda item concerns service redesign and adults' services; specifically progress with the outstanding recommendations of an internal audit. The complainant said that parts of this agenda item demonstrate that detailed work was carried out when revising the RAS for post-Care Act and that information the Council must hold about this was not disclosed to him in response to part 4 of his request.
20. Regarding the complainant's point at paragraph 17 regarding Q2 and Q4 of his request, the Council has told the Commissioner that the new RAS does not rely on a 'points make prizes type of algorithm'. The RAS is not mathematically linked in the same way in terms of producing an indicative budget, for example it will not deduce an amount based on carers' input. The Council says that what the RAS does is provide a matrix that makes sure the quality of the data being gathered supports the assessor to make appropriate decisions. The Council confirmed that it did not undertake any financial remodelling. It provided the Commissioner with the 'RAS Report to ASR Programme Board – 15

January 2014' and Appendix 1 which the Commissioner forwarded to the complainant.

21. In response to this, in correspondence to the Commissioner dated 19 January 2016, the complainant argued that comparing the 'matrix' in Appendix 1 with the Resource Allocation sections in the AS002 and AS005 forms show deductions in personal budget amounts not included in the 'matrix'; such as an automatic 40% budget deduction of budget amount for level 4 supervision based on carers' input and a 100% deduction for night time support based on carers' input. The complainant says that the rationale and quantification for these deductions to personal budget calculations was not disclosed to him.
22. The complainant also referred the Commissioner to a Council report: 'Care Homes & Care Services: Usual Maximum Rates and Fees for Adult Social Care – May 2015¹'. He says that para 2.6.6 and para 7.1 indicate the effect of unit cost increases in personal budget amounts were considered but that no evidence of the unit or otherwise cost of care has been disclosed to him. The complainant considers that para 2.8 of the report suggests that the Council is operating a 'pounds for points' system which contradicts what it has told the Commissioner.
23. In this same correspondence, the complainant told the Commissioner that he had not received Appendices 2-4, referenced in the 'RAS Report to ASR Programme Board – 15 January 2014'. He says that page 3 of this report mentions that further testing of the RAS is recommended and that there has been no disclosure to him of any 'recalibration' made for implementation of the Care Act.
24. The Commissioner put the points at paragraph 19 and paragraphs 21 – 23 to the Council. It confirmed on 8 February 2016 that there has been no recalibration. In response to the remaining points, the Council confirmed that its position remains the same and that it has disclosed to the complainant all the information that it holds that falls within Q1, Q2 and Q4 of his request. In addition, the Council said that it considered that, through these points, the complainant is expanding his complaint or attempting to debate issues with the Council through the Commissioner's complaints process which it considers is inappropriate. The Commissioner agrees with this observation.

¹ http://www2.westsussex.gov.uk/ds/edd/asch/asch3_15-16.pdf

The Commissioner's decision

25. The Commissioner has considered the Council's submission and other correspondence, and the complainant's arguments. He considers that the search for relevant information that the Council undertook was satisfactory and that the Council would know where such information would be held. He notes paragraph 15 ie that the complainant has been unable to identify specific information that he considers is missing from what was released to him. The Commissioner is therefore prepared to accept that the Council has released to the complainant all the relevant information that it holds that falls within the scope of Q1, Q2 and Q4 of the request.

Right of appeal

26. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals
PO Box 9300
LEICESTER
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

27. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Pamela Clements
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