

Reference Number: FOI-101004347704

Response provided under: Freedom of Information Act 2000

Request and Response:

Please find below a Freedom of Information request regarding the subject of social care appeals in your local authority area.

- 1) Is there an appeals process* in place for when a service user (or their representative) disagrees with an assessment of their care and support needs or changes made to a package of care?

* We are defining an *appeals process* as including the best practice set out in the Care Act 2014 under section 72: Part 1 appeals:

- a) Who may (and may not) bring an appeal;
- b) Grounds on which an appeal may be brought;
- c) pre-conditions for bringing an appeal;
- d) How an appeal is to be brought and dealt with (including time limits);
- e) Who is to consider an appeal;
- f) Matters to be taken into account (and disregarded) by the person or body considering an appeal;
- g) Powers of the person or body deciding an appeal;
- h) What action is to be taken by a local authority as a result of an appeal decision;
- i) Providing information about the right to bring an appeal, appeal procedures and other sources of information and advice;
- j) Representation and support for an individual bringing or otherwise involved in an appeal;
- k) Investigations into things done or not done by a person or body with power to consider an appeal.

Yes *If "Yes" please answer questions 2 to 4*

No *If "No" please answer i to iii*

- i) What is the total number of occasions where a service user (or their representative) disagreed with an assessment of their care and support needs or changes made to their package of care? *Please provide information from the most recent complete year of data you have***

I can confirm that Cornwall Council holds information falling within the description specified in your request. However, we estimate that the cost of complying with your request would exceed the appropriate limit of £450 as it would take at least 150,174 hours to locate, retrieve and collate the information. This is due to the way the data is held which would involve an in depth manual file check of over 150,000 Adult Social Care records.

The appropriate limit has been specified in regulations and for local Government it is set at £450. This represents the estimated cost of one person spending approximately 2½ working days (18 hours) in determining whether the Council holds the information, and locating, retrieving and extracting the information.

- ii) What proportion of these disagreements were accepted by your Local Authority? *Please provide information from the most recent complete year of data you have***

Not applicable

- iii) How do you respond to disagreements that have been raised by service users (or their representatives) when they have disagreed with an assessment of their needs or changes made to a package of care?**

This information is available on our website:

<https://www.cornwall.gov.uk/health-and-social-care/adult-social-care/needs-assessment/>

- 2) What other sources of national guidance or legislation helped inform and define your appeals process? *Please provide sources for this information, such as links or copies***

As we do not have an appeals process as defined in question 1 we are unable to provide a response to this question.

3) What time limit do you set to resolve appeals?

As we do not have an appeals process as defined in question 1 we are unable to provide a response to this question.

Should answering question 4 exceed the 'appropriate limit' under the FOI Act please prioritise questions 1 to 3 with regards to a response.

4)

- i) What is the total number of occasions where a service user (or their representative) appealed an assessment of their care and support needs or changes made to their package of care? *Please provide information from the most recent complete year of data you have***

Responded to in Question 1 (i) above

- ii) What proportion of these disagreements were accepted by your Local Authority? *Please provide information from the most recent complete year of data you have***

Responded to in Question 1 (ii) above

Information provided by: Adult Social Care

Date of response: 25 March 2019