

Enquiry Number FS2762766

Request and Response:

1. Details of all market consultation undertaken by Sandwell leading to the set rate decision of £12.96, including the results of the consultation with providers after the abandonment of the first tender process (showing the range of prices received from anonymised providers);

Under the Freedom of Information Act, the council has the obligation to confirm or deny whether it holds the information requested and to disclose it, unless an exemption applies. Section 43(2) of the Freedom of Information Act states that information is exempt from disclosure if it would or would be likely to prejudice the commercial interests of any person (including the public authority holding it).

In this case, the council believes that disclosing the information you requested would prejudice the council's commercial interest. This is because commercially tendered rates (regardless of whether or not they are anonymised) provide a mechanism for ensuring the council receives value for money through any tendering process and the disclosure of those rates could be prejudicial to any future negotiations and lead to the council paying an increased rate than it would have otherwise required.

Section 43(2) being a qualified exemption, its application must then be balanced out with the public interest. In this case, the council is satisfied that the public interest in withholding the information is greater than that in disclosing it. This is because the public expect the Local Authority to obtain value for money in all of its dealings.

As a result, the council believes it is entitled not to disclose the requested information to you.

2. The costing analysis and models used to come to the £12.96 rate;

As above, the council will not disclose the detail of the range of prices provided by providers because this information is commercially sensitive.

The council did not use a costing analysis model to come to the £12.96 rate.

3. Disclosure of the Cabinet reports and reports to Cabinet (and Cabinet member) recommending the rate;

The cabinet report titled Framework Agreement for Community Care and Support (Domiciliary Care) Key decision Ref. No.ASCH012 is published on CMIS and can be viewed using the following link:

<https://cmis.sandwell.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/36181/Committee/6063/Default.aspx>

The cabinet report was used to brief the Cabinet Member.

4. Financial impact of the Council Tax precept and financial allocation to domiciliary care provision; how will the precept revenue be used?

Sandwell Council has decided to apply the full 2% Council Tax precept for Adult Social Care.

The cabinet report titled Budgets 2016-17 to 2019-20 key decision reference number FR038: published at

<https://cmis.sandwell.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/36299/Committee/6025/Default.aspx>

Sandwell Council will use the additional funding generated by the Council Tax precept to manage cost pressures across Adult Social Care service budgets.

If you wish to receive further information in regards to this request or wish to submit a Freedom of Information Request please forward your request to contact@sandwell.gov.uk or Information Management Unit, Sandwell Council House, Freeth Street, Oldbury, West Midlands, B69 3DE.