

<b>Reference:</b>	FOI.12490.23
<b>Subject:</b>	Supported living
<b>Date of Request:</b>	21 August 2023

**Requested:**

I would like to request the following information regarding supported living services for adults with a primary support need of Learning Disabilities (LD,) Mental Health (MH) and Autism Spectrum Disorders (ASD).

*Supported living may also be called Supported accommodation or Supported housing and is a housing scheme where housing, support and care services are provided to help people with disabilities live as independently as possible in the community.*

*Long term care is provided to clients on an ongoing basis and varies from high intensity provision such as nursing care, to lower intensity support in the community such as the provision of direct payments to arrange regular home care visits.*

*Please note, that by MH, we mean 'Mental Health Support' and **not** 'Support with Memory and Cognition' or 'Substance Misuse Support'.*

Please provide answers on the attached and accompanying spreadsheet, and wherever possible, please provide separate out for each category of LD, MH, and ASD.

1. Please could you supply the name, email address and telephone number of the commissioner with responsibility for placements in supported living.
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)?
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leaver we mean a person whose case is closed with adult social care, or whose supported living placement has ended and been replaced by a different service (e.g. a residential placement))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
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.
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*
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;
  - a. Less than £500
  - b. £500 to £749
  - c. £750 to £999
  - d. £1,000 to £1,249
  - e. £1,250 to £1,499
  - f. £1,500 to £1,999
  - g. £2,000 to £2,499
  - h. £2,500 or more
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

### **Clarification**

Could we please ask for all of the placements that you jointly commission, please?

### **Response:**

As the information requested from Hywel Dda University Health Board (UHB) for question 4b relates to third party costs, the UHB considers that under the Freedom of Information Act 2000 (FoIA), Section 43 applies, as answering would be prejudicial to their commercial interests. Section 43(2) exempts information if its disclosure would, or would be likely to, prejudice the commercial interests of any legal person. Commercial interests may be prejudiced where disclosure would, or would be likely to:

- Weaken a company's position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors
- Damage a company's business reputation or the confidence that customers/users, suppliers or investors may have in it.

This exemption is qualified; therefore, even if information falls within Section 43, public authorities must then apply the public interest test set out in Section 2(2)(b).

The information can only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.

**In favour of disclosure:** There is a public interest in transparency and in the accountability 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. Private sector bodies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed.

**Against Disclosure:** Disclosure of this information would have a direct impact and cause substantial harm to the supplier as it would disclose their pricing, and it would be likely that this would damage their ability to work within a highly competitive sector. The information being requested is likely to be used by their competitors to gain a competitive advantage.

**Decision:** It has therefore been decided that the individual costing information being requested is commercially confidential in nature and that releasing the information under the FoIA, to which the UHB is subject, will give an unfair advantage to the supplier's competitors. The UHB believes that there is wider established public interest in companies not being prejudiced merely because they have contracted with a public sector body, and that there is a public interest in ensuring that there is competition for public sector contracts.

However, under the Section 45 Freedom of Information Code of Practice, the UHB provides the remainder of the information, within the attached spreadsheet, as requested, at Attachment 1.

Additionally, where the figures in the tables have been replaced with an asterisk (\*), the UHB is unable to provide you with the exact number of patients due to the low numbers of cases (less than 5), as there is a potential risk of identifying individuals if this was disclosed. The UHB is therefore withholding this detail under Section 40(2) of the FoIA. This information is protected by the Data Protection Act 2018 (DPA)/UK General Data Protection Regulations, as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles of the UK GDPR. This exemption is absolute and therefore there is no requirement to apply the public interest test.

In reaching this decision, the DPA and UK GDPR define personal data as data that relates to a living individual who can be identified solely from that data or from that data and other information, which is in the possession of the data controller.