

Director, Health and Social Care

Our ref: CB/DS/FOI - 110379
Your ref:
If calling ask for:
Phone:
Date: 3 April 2018

Dear

**Freedom of Information (Scotland) Act 2002 (FOISA)
Request for Information**

I refer to your information request received by the Council on 19 January 2018 in which you requested the following information:

1. The total number of care homes in Scotland currently owned by the Council at today's date (15 February 2018)
2. Please provide a note of the following details in relation to each care home in Scotland owned by the Council:
 - a. Name of each home
 - b. Postal address
 - c. Confirmation as to whether the Council operates each care home or whether any care homes are operated by a third party for an on behalf of the Council, and if the latter, full name and address of third party
 - d. Total period of ownership by the Council of each care home, such period of time to be specified in years and months
3. The total costs incurred by, and for and on behalf of, the Council from the beginning of ownership by the Council to today's date associated with the following costs – purchasing, construction, redevelopment or purchasing land
4. The total amount borrowed by the Council under any loan and or other financial borrowings in connection with any costs specified in number 3 above to be broken down and provided to us per care home including any outstanding amounts
5. The total number of care homes in Scotland currently owned by the Council in relation to which the Council intends to, and/or has plans to dispose of ownership in the upcoming financial year. Please provide full details of homes.
6. The total number of care homes in Scotland currently held under lease and/or other tenancy right by the Council at today's date
7. Please provide full details of care homes as above
8. The total costs incurred by, and for on behalf of, the Council from the beginning of the lease associated with construction, redevelopment or purchasing for each care home

Council Offices, Almada Street, Hamilton ML3 0AA

Phone: Fax:

Text Phone: Email: @southlanarkshire.gsx.gov.uk

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9. The total amount borrowed by the Council under any loan and/or other financial borrowings in connection with costs specified in number 8 to be broken down and provided to us on a per care home basis
10. The total number of care homes in Scotland currently held under lease and /or other tenancy right by the Council which the Council intends to, and/or has plans to, cease the lease and/or other tenancy right in the upcoming financial year. Please provide full care home details.
11. The total number of care homes in Scotland currently operated by the Council at today's date.
12. Please provide a note of the full details in relation to each care home in Scotland currently operated by the Council (name, address etc)
13. The total costs incurred by, and, for and on behalf of, the Council (to be calculated from the beginning of operation by the Council) associated with construction, redevelopment and purchasing land for each care home
14. The total amounts borrowed by the Council under any loans/financial agreements in connection with any costs specified in number 13 above including details of any outstanding amounts borrowed
15. The total number of care homes in Scotland currently operated by the Council at today's date which the Council intends to, and/or plans to, transfer or cease operation in the upcoming financial year including details of care homes – name, postal address etc.
16. The total weekly costs and expenses per resident for each care home identified in numbers 1, 2, 6, 7, 11 and 12 above as incurred by and for and on behalf of the Council, associated with maintaining and operating each care home identified in numbers 1, 2, 6, 7, 11 and 12 above, including but not limited to:
 - a. Any central administration costs; and
 - b. Any building, property and land maintenance cost
17. The average salary, yearly pension contribution, yearly sick pay and annual leave entitlement for each manager, assistant manager and deputy manager for care homes listed at 1,2,6,7,11 and 12 above
18. Please provide details of any care homes in Scotland that the Council currently has plans to buy and/or develop/build in the future, including the location and total expected and budgeted costs for the Council in each of the aforesaid care homes

Request refused in terms of Section 17 of FOISA

4. The total amount(s) borrowed by the Council under any loan(s) and/or other financial borrowing(s) in connection with any costs specified in number 3 above (such total amount(s) to be broken down and provided to us on a per care home basis), including details of any outstanding amount(s) to be broken down and provided to us on a per care home basis.
9. The total amount(s) borrowed by the Council under any loan(s) and/or other financial borrowing(s) in connection with any costs specified in number 8 above (such total amount(s) to be broken down and provided to us on a per care home basis), including details of any outstanding amount(s) borrowed (such total amount(s) to be broken down and provided on a per care home basis).
14. The total amount(s) borrowed by the Council under any loan(s) and/or other financial borrowing(s) in connection with any costs specified in number 13 above (such total amount to be broken down and provided to us on a per care home basis), including details of any outstanding amount(s) borrowed (such total amount to be broken down and provided to us on a per care home basis).

The Council has searched its records and has not located some of the information that you have requested in relation to questions 4, 9 and 14. Consequently, the Council cannot give you this

information because it does not have it. The reason that the Council does not have this information is that the Council does not hold the information in the format you have requested.

Information released

The Council can, however, give you the following information in relation to questions 4, 9 and 14. Monies borrowed by the Council were part of the total funding package for the Council's General Services Capital Programme. No borrowing has been specifically taken for care homes.

Request refused in terms of Section 38 of FOISA

17. The average yearly salary (prior to deduction of any tax contributions, national insurance contributions, student loan repayment, or any other payroll deductions) and average yearly pension contribution, average yearly sick pay, and average yearly annual leave entitlement for:-
- a. each manager at each care home identified in numbers 1, 2, 6, 7, 11 and 12 above (if there is more than one manager please provide these details)
 - b. each assistant manager at each care home identified in numbers 1, 2, 6, 7, 11 and 12 above (if there is more than one assistant manager please provides these details), and
 - c. each deputy manager at each care home identified in numbers 1, 2, 6, 7, 11 and 12 above (if there is more than one deputy manager please provide these details)

The Council is refusing to provide the information in relation to point 17 of your request because the information that you have asked for is exempt from disclosure under FOISA.

The Council can withhold information where one or more exemptions listed in FOISA apply. The relevant exemption(s) is

- ❖ The information amounts to personal information which relates to another person and the disclosure of the information to you would breach the data protection principles laid down by the Data Protection Act 1998 (section 38(1)(b) and (2)(a)(i) or (2)(b))

How the exemption applies to the information being withheld

The Council considers that the request for average yearly salary, pension contribution, average yearly sick pay and average yearly annual leave entitlement for each unit manager, Senior Social Care Worker (deputises in absence of Unit Manager) within each of the care homes across the Council is personal data as defined by the Data Protection Act 1998.

The information in relation to this part of your request has therefore been held back as the Council considers this information in respect of particular employees to be personal information and therefore exempt from the provisions of FOISA. Such information relates to an individual and their entire, employment and not just their most recent post. It also relates to their recent attendance record and absence history which the council also considers to be personal data.

Furthermore, by taking account of the above, the Council also considers that the employees concerned, particularly as they are not senior officials of the Council, would have the expectation that this information would be treated confidentially and therefore it is the Council's view that in line with the Data Protection Scotland Act (section 38(1)(b) and (2)(a)(i)) or (2)(b) it would not be fair to release this information.

However the Council can confirm the following:

Designation	Salary	Pension Contribution Rate
Unit Manager	£32,300- £38,614	6.4%- 6.8%
Senior Social Care Worker (deputises in absence of Unit Manager)	£20,493-£28,304	5.5%-6.1%

In line with the council conditions of service the annual leave entitlement for all employees is: 22 days annual leave after one year's service rising to 32 days annual leave after 10 years' service.

The sick pay entitlement for employees is dependent on service as follows:

Service	Full allowance	Half allowance
Less than 26 weeks	NIL	NIL
26 weeks- less than 1 year	5 weeks	5 weeks
1 year but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks
5 years or more	26 weeks	26 weeks

Response to Request(s)

The Council can give you some of the information that it has in relation to your request.

1. Information is available on the Councils website – www.southlanarkshire.gov.uk
2. As above

Please note the following information covers the period from 1 April 1999, as the Council does not hold any information prior to financial year 1999/2000. This information is as follows:

3.

	Meldrum Gardens	McKillop Gardens	Kirkton House	McWhirters House	Canderavon House	McClymont House	David Walker Gardens
3a	£0	£0	£0	£0	£0	£0	£0
3b	£4,168,531	£3,880,674	£0	£0	£0	£0	£9,780,423
3c	£201,596	£101,312	£1,265,454	£1,018,390	£884,573	£991,190	£39,829
3d	£0	£0	£0	£0	£0	£0	£0

5. None
6. None
7. None
- 8.

	Dewar House
8a	0
8b	£1,264,343
8c	£0

10. None
11. Information is available on the Councils website – www.southlanarkshire.gov.uk
12. Information is available on the Councils website – www.southlanarkshire.gov.uk
13. None.
15. None.
- 16.

Meldrum Gardens	McKillop Gardens	Kirkton House	McWhirters House	Canderavon House	McClymont House	David Walker Gardens	Dewar House
£919	£1,007	£799	£809	£875	£875	£886	£1,572

18. None

In addition to the above, there is also Auchinraith Respite Unit and Cherry Tree Court.

Auchinraith is a Council owned asset but service provision is by Sense Scotland. This was constructed through funding by the Council through a New Housing Partnership model.

Cherry Tree Court is leased by the Council from Arklett Housing Association and the service provider is The Richmond Fellowship Scotland. This was constructed through a tripartite arrangement between the Council, NHS Lanarkshire and Arklett.

Request for Review

The Council has a Review Panel to deal with complaints from people who are not happy about the way that it has handled their request. Staff not involved in the original decision will handle any review.

If you want to complain, you can ask the Review Panel to reassess our actions. Please note that if you wish to complain, you must do so by **18 May 2018**. You must explain why you are not happy when requesting a review.

Please note that the Review Panel cannot look at any decisions taken by the Council or actions of the Council or any of its employees or a service provided by it that are not connected to the handling of your request for information.

You should send your request for a review to:

■■■■
 Information Compliance Manager
 Finance and Corporate Resources
 Floor 13
 Council Offices
 Almada Street
 Hamilton
 ML3 0AA

Alternatively, you can request a review at foi.reviews@southlanarkshire.gov.uk.

Appeal to the Scottish Information Commissioner.

If you are not happy with the outcome of the review, you can appeal to the Scottish Information Commissioner. The Commissioner will decide whether the Council has dealt with your request properly. Please see the Commissioner's website at www.itspublicknowledge.info for further details.

Yours sincerely

