

[REDACTED]

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**From:** FOI\_CEDReviews <FOI\_CEDReviews@glasgow.gov.uk>  
**Sent:** 23 October 2018 12:45  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL] FOI 6570528 - Care Homes Response [IWOV-westdb1.FID3282869] (OFFICIAL)  
**Attachments:** 6570528 FINAL Response 22.10.18.pdf  
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**OFFICIAL**

Dear [REDACTED]

Please find attached the Council's response to your request for information regarding care homes provisions for the elderly.

Yours sincerely,

**Information & Data Protection Team**  
Chief Executive's Department  
Glasgow City Council

**OFFICIAL**

Glasgow - UK Council of the Year 2015

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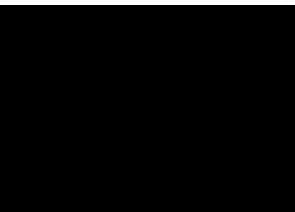
[REDACTED]

**Glasgow City Council**  
City Chambers  
George Square  
Glasgow G2 1DU  
DX GW572

**Hand Deliveries to:**  
40 John Street  
Glasgow G1 1JL

Our Ref: FOI 6570528  
Your Ref: [REDACTED]

22 October 2018



By email: [REDACTED]

Dear [REDACTED]

**REQUEST FOR REVIEW UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 ("THE ACT")**

I refer to your letter dated 29 March 2018 and subsequent correspondence which I am treating as a formal request for review of Glasgow City Council's ("the Council") failure to respond to your initial request for information dated 15 February 2018.

On behalf of the Council, I apologise that you did not receive a response to your initial request for information. You should have received a response within the 20 working day timescales set out in the legislation and I apologise that on this occasion you did not.

I note a partial response was provided to you on 1 May 2015 and the remaining information is enclosed with this letter.

**YOUR REQUEST**

We have set out each of your requests and our response to them in this correspondence.

**THE REVIEW DECISION**

I can confirm that the Council is treating your request for information under the Freedom of Information (Scotland) Act 2002 and a response has been provided below. The information you have requested is from the date of purchase of each of the care homes. This information may be held in various historical systems, archived or no longer available, however, we conducted a detailed search to ensure we have capture as much data as possible in response to your request.

1. ***The total number of care homes in Scotland currently owned by the Council at today's date (15 February)***

**Response:** Glasgow City Council owns and operates 8 care homes for older people. The Council does not:

- operate care homes which are not owned by the Council
- own care homes that are operated by a third party on behalf of the Council
- have care homes held under lease and/or any other tenancy right by the Council

2. ***Please provide a note of the following details in relation to each care home in Scotland currently owned by the Council:***
- a. ***Name of each care home (if applicable);***
  - b. ***Full postal address of each care home;***
  - c. ***Confirmation as to whether the Council operates each care home or whether any care home are operated by third party for and on behalf of the Council, and if the latter the full name and postal address of the third party(ies) and***
  - d. ***The total period of ownership by the Council of each care home, such period of time to be specified in years and months.***

**Response:** (a) and (b)

The information you have requested is, in our opinion, exempt from a request under section 1 of the Freedom of Information (Scotland) Act 2002 because of the exemption contained in section 25(1) of the Act.

In other words, the information you are looking for is "reasonably accessible" to you without having to make a formal section 1 request.

This information is available  
from <http://www.careinspectorate.com/index.php/care-services>

To assist you in your search we can confirm the eight care homes are:

- Riverside Care Home,  
220 Springfield Road, Glasgow, G40 3HU
- Davislea Home for the Elderly  
100 Mallaig Road, Drumoyne, Glasgow, G51 4PE
- Crossmyloof Resource Centre  
80 Titwood Road, Shawlands, Glasgow, G41 2DJ
- Orchard Grove Residential Care Home  
19 Prospecthill Circus, Glasgow, G42 0LB
- Rannoch House  
97 Cleveden Road, Kelvindale, Glasgow, G12 0JN
- Forfar Avenue Care Home  
60 Forfar Avenue, Cardonald, Glasgow, G52 3JF
- Hawthorn House Residential Care Home  
20 Ashfield Street, Glasgow, G22 5HP

- Drumry House  
40 Kinfauns Drive, Drumchapel, Glasgow, G15 7TS

**(c)**

Glasgow City Council owns and operates the eight care homes listed above. There is no third party involved.

**(d)**

On inspecting our records, it would appear that compliance with this request would cost the Council more than the upper limit allowed by section 12(1) of the Act and the fees regulations made under the Act (this limit is currently £600). Accordingly we are unable to comply with your request.

This is because most of the care homes were in existence prior to the creation of Glasgow City Council in 1996 under the Local Government Etc. (Scotland) Act 1994. The ownership transferred to the Council on 1<sup>st</sup> April 1996. To ascertain the exact date would require a search of archive data which would cost the Council over the upper limit.

This figure has been calculated in accordance with the Fees Regulations made under the Freedom of Information (Scotland) Act. This includes the costs which would be incurred in locating and retrieving the information, photocopying, postage and staff time. The staff time charged reflects the true pay scale of the member(s) of staff who would be involved capped at a ceiling of £15/hour per member of staff.

The Council has the option of complying with requests where the costs exceed £600. However, on this occasion we have decided not to due to the resources (both financial and human) which voluntary compliance with this request would divert away from our core business

By way of assistance we can provide you with the following information:

<u>CARE HOME</u>	<u>OPENED</u>
Davislea Home for the Elderly	1962
Crossmyloof Resource Centre	1994
Rannoch House	1970
Forfar Avenue Care Home	1986
Hawthorn House Residential Care Home	2002
Drumry House	1965
Riverside Care Home	
19.05.2017	(1 year, 4 months)
Orchard Grove Residential Care Home	
22.10.2015	(2 years, 11 months)

Please note the date of opening may not coincide with the date on which the Council (or its predecessors) acquired the site as homes may have been built on land already in Council ownership.

3. ***The total costs incurred by, and for and on behalf of, the Council (such costs to be calculated from the beginning of ownership by the Council of each care home to today's date (15 February) associated with the following (such total costs to be broken-down and provided to us on a per care home basis):***
- a. Purchasing each of the care homes identified in number 1 and 2 above;***
  - b. Constructing and / or building (if applicable) each of the care homes identified in number 1 and 2 above;***
  - c. Redeveloping or otherwise renovating (this includes any small-scale redevelopment or renovation projects) each of the care homes identified in numbers 1 and 2 above; and***
  - d. Purchasing land or assumed value of land owned by the Council and on which each care home identified in numbers 1 and 2 above is situated.***

**Response: (a) and (b):**

In our response of 1 May 2018 we indicated the cost of providing a response to part (a) and (b) of this question would exceed the threshold of £600. A search of our records has continued with respect to the outstanding questions from the response provided. During the search the following information was identified which relates to part 3(a) and 3(b):

- (a) The eight care homes noted in the response to question 1 and 2 were not purchased by the Council.
- (b) The information you have requested is, in our opinion, exempt from a request under section 1 of the Freedom of Information (Scotland) Act 2002 because of the exemption contained in section 25(1) of the Act. In other words, the information you are looking for is "reasonably accessible" to you without having to make a formal section 1 request.

The costs for each of the homes is information which is held in the committee reports relating to the 'Homes for Life' scheme. The reports can be found through the Council website page:

<https://www.glasgow.gov.uk/index.aspx?articleid=18089>

Further information on the care homes, tenders, architect drawing and consultation data can be found at:

<https://www.glasgow.gov.uk/index.aspx?articleid=18644>

**Response: c and d**

In our response of 1 May 2018 we indicated the information requested in question 3(c) and (d) falls under the ambit of the Environmental Information (Scotland) Regulations 2004 (the "EIRs").

A fee of £142.96 was issued in line with Regulation 8 of the EIR.

Having conducted extensive searches of our records it is now apparent that a considerable amount of work would be required to retrieve the information you are requesting.

We have to advise you that Regulation 10(4)(b) of the EIRs state that a public authority may refuse a request for information where that request is "manifestly unreasonable".

It is the Council's view, in light of the work that would be required to respond to it that your request is manifestly unreasonable. We are therefore refusing your request under Regulation 10(4)(b) of the EIRs.

By way of explanation, five of the care homes were transferred from Strathclyde Regional Council in 1996, one was developed in 2002 and the two more recently in 2015 and 2017.

The records for six of the care homes, therefore would have to be sourced through our archives and examined to obtain the information you requested.

While we believe that that the exception at Regulation 10(4)(b) of the EIRs applies in this case, we would still be obliged to release this information in response to your request unless the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Glasgow City Council acknowledges the significant public interest in openness and transparency and therefore recognises that any request under the EIRs is potentially in the public interest. However, this is outweighed by the public interest in ensuring efficient use of public resources. We are therefore, unable to comply with these aspects of your current request.

However, the Council advises that some of the information you have requested is publicly accessible, in accordance with Regulation 6(1)(b) of the EIRs.

Some of the information held in archives on behalf of the Council and Strathclyde Regional Council is in our opinion available to you by contacting the City Archives, The Mitchell Library, North Street, Glasgow G3 7DN. (t) 0141 287 2910. (e) [archives@glasgowlife.org.uk](mailto:archives@glasgowlife.org.uk)

This information includes:

- Minutes
- Annual accounts
- Dean of Guild (predecessor to Building Control)
- Registers for Glasgow Corporation (up to 1975).

With regard to the new builds (2015 and 2017), it is the Council's opinion that this information is also subject to Regulation 6(1)(b) of the EIRs as the information publicly accessible to you on the Council's website at: <https://www.glasgow.gov.uk/index.aspx?articleid=18089>

The costs for each of the homes is information which is held in the committee reports relating to the 'Homes for Life' scheme which are held through the web page provided above.

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 the any outstanding amount(s) borrowed (such total amount(s) to be broken down and provided to us on a per care home basis).***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. This is because, should the Council borrow to fund capital investment, it undertakes it as part of the consideration on how it will fund the total investment programme of the Council and not for individual projects. As a result we do not hold loan information on a care home basis. Accordingly we are unable to comply with your request.

As way of assistance, however, details of the Council's capital programme can be found at: <http://connect.glasgow.gov.uk/article/13470/Capital-Programme>

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 ownership in the upcoming financial year (from 1 April 2018). For each of the aforesaid care homes please provide a note of the following details:***
- a. ***Name of each care home (if applicable);***
  - b. ***Full postal address of each care home; and***
  - c. ***The full name and address of the person and / or entity intending to purchase or otherwise gain ownership and / or title of each care home.***

**Response:** Glasgow City Council has a statutory duty, under the Social Work (Scotland) Act 1968 to provide residential accommodation with nursing. We do not hold any recorded information in relation to the disposal of council owned care homes in the financial year 2018-19. Neither does anyone else hold it on our behalf.

This is because the Council does not have any plans to dispose of its care homes. Accordingly we are unable to comply with your request in terms of Section 17(1) of the Act.

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 (15 February).***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. Neither does anyone else hold it on our behalf. This is because the Council does not hold any care homes under lease or any other tenancy rights. Accordingly we are unable to comply with your request in terms of Section 17(1) of the Act.

7. ***Please provide a note of the following details in relation to each care home in Scotland currently held under lease and / or other tenancy right by the Council.***
- a. ***Name of each care home (if applicable);***
  - b. ***Full postal address of each care home;***
  - c. ***Confirmation as to whether the Council operates each care home or whether any care homes are operated by a third party for and on behalf of the Council; and if the latter, the full name and postal address of any such third party(ies); and***
  - d. ***The landlord of each care home, and where the Council is a sub-let, any head-tenant(s) of each care home.***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. Neither does anyone else hold it on our behalf. This is because the Council does not hold any care homes under lease or any other tenancy rights. Accordingly we are unable to comply with your request in terms of Section 17(1) of the Act.

8. ***The total costs incurred by, and for and on behalf of, the Council (such costs to be calculated from the beginning of the lease and / or other tenancy by the Council of each care home to today's date (15 February); associated with the following (such total costs to be broken down and provided to us on a per care home basis):***
- a. ***Constructing and / or building (if applicable) each of the care homes identified in numbers 6 and 7 above;***
  - b. ***Redeveloping or otherwise renovating (this include any small scale redevelopment or renovation projects) each of the care homes identified in numbers 6 and 7 above.***
  - c. ***Purchasing land or assumed value of land owned by the Council (if applicable) and on which each care home identified in numbers 6 and 7 above is situated.***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. Neither does anyone else hold it on our behalf. This is because the Council does not hold any care homes under lease or any other tenancy rights. Accordingly we are unable to comply with your request in terms of Section 17(1) of the Act.

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 (such total amount(s) to be broken down and provided to us on a per care home basis), including details of the any outstanding amount(s) borrowed (such total amount(s) to be broken down and provided on a per care home basis).***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. Neither does anyone else hold it on our behalf. This is because the Council does not hold any care homes under lease or any other tenancy rights. Accordingly we are unable to comply with your request in terms of Section 17(1) of the Act.



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 (whether by natural expiry or early termination) the lease and / or other tenancy right, in the upcoming financial year (from 1 April 2018). For each of the aforesaid care homes please note the following details:***
- a. ***Name of each care home (if applicable) and***
  - b. ***Full postal address of each care home.***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. Neither does anyone else hold it on our behalf. This is because the Council does not hold any care homes under lease or any other tenancy rights. Accordingly we are unable to comply with your request in terms of Section 17(1) of the Act.

11. ***The total number of care homes in Scotland currently operated by the Council at today's date (15 February).***

**Response:** Glasgow City Council operates eight care homes.

12. ***Please provide a note of the following details in relation to each care home in Scotland currently operated by the Council;***
- a. ***Name of each care home (if applicable)***
  - b. ***Full postal address of each care home; and***
  - c. ***The total period of operation by the Council for each care home, such period of time to be specified in years and months.***

**Response:** Glasgow City Council owns and operates eight care homes. The name, full postal address details and period of operation has been provided in the response to question 2.

13. ***The total costs incurred by, and, for on behalf of the Council (such costs to be calculated from the beginning of operation by the Council of each care home to today's date (15 February) associated with the following (such total costs to be broken down and provided to us on a per care home basis):***
- a. ***Constructing and / or building (if applicable) each of the care homes identified in number 11 and 12 above;***
  - b. ***Redeveloping or otherwise renovating (this includes any small scale redevelopment or renovation projects) each of the care homes identified in numbers 11 and 12 above; and***
  - c. ***Purchasing land or assumed value of land owned by the Council (if applicable) and on which each care home identified in numbers 11 and 12 above is situated.***

**Response:** Glasgow City Council owns and operates eight care homes. The details of the care homes is provided in the response to question 2. Information on the cost incurred for construction, redeveloping etc. has been provided in the response to question 3 (c) and (d).

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 (such total amount(s) to be broken down and provided to us on a per care home basis), including details of the any outstanding amount(s) borrowed (such total amount(s) to be broken down and provided on a per care home basis).***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. This is because, should the Council borrow to fund capital investment, it undertakes it as part of the consideration on how it will fund the total investment programme of the Council and not for individual projects. As a result we do not hold loan information on a care home basis. Accordingly we are unable to comply with your request in terms of Section 17(1) of the Act.

As way of assistance, however, details of the Council's capital programme can be found at: <http://connect.glasgow.gov.uk/article/13470/Capital-Programme>

15. ***The total number of care homes in Scotland currently operated by the Council at today's date (15 February) which the Council intends to, and / or has plans to, transfer or cease operation in the upcoming financial year (from 1 April 2018). For each of the aforesaid care homes please provide a note of the following:***
- Name of each care home (if applicable)***
  - Full postal address of each care home; and***
  - Where applicable, the full name and address of the person and / or entity intending to assume operation of each care home.***

**Response:** Glasgow City Council does not intend to transfer or cease operations of the eight care homes as per the response provided to question 5.

16. ***The total weekly costs and expenses per resident for each care home identified in number 1, 2, 6, 7, 11 and 12 above (such total costs to be broken down and provide to us on a per care home basis) as incurred by 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:***
- Central administration costs and***
  - Any building, property and land maintenance costs***

<b>Care Home</b>	<b>Number of residents as at 27.04.18 *</b>
Riverside Care Home	<b>116</b>
Davislea Home for the Elderly	<b>31</b>
Crossmyloof Resource Centre	<b>40</b>
Orchard Grove Residential Care Home	<b>119</b>
Rannoch House	<b>39</b>
Forfar Avenue Care Home	<b>40</b>
Hawthorn House Residential Care Home	<b>112</b>
Drumry House	<b>40</b>

**Response:** (a) and (b)  
On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. This is because the financial information regarding the homes is centralised within a core budget and is not broken down into central administration and building / property and land maintenance costs.

Accordingly we are unable to comply with your request in terms of Section 17(1) of the Act.

We can, however, confirm the unit cost for the care homes run by Glasgow City Council are:

£610.00 per week for Residential Homes Older People (Frail Elderly)  
£885.00 per week for Residential Homes Older People (Dementia)

**17, The average yearly salary (prior to deduction of any tax contributions, national insurance contributions, student loan repayment or any other payroll deduction) 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 manager, please provide these details):**
- 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 manager, please provide these details):**

***If the care homes differentiate at a managerial level between clinical and non-clinical that please provide details.***

**Response:** The table provided outlines the management details of the 8 care homes for older people which are owned and operated by Glasgow City Council.

CARE HOME	MANAGEMENT STUCTURE
Riverside Care Home	2 Operational Managers
Davislea Home for the Elderly	1 Operational Manager
Crossmyloof Resource Centre	1 Operational Manager
Orchard Grove Residential Care Home	2 Operational Managers
Rannoch House	1 Operational Manager
Forfar Avenue Care Home	1 Operational Manager
Hawthorn House Residential Care Home	2 Operational Managers
Drumry House	1 Operational Manager

There are no Assistant Managers or Depute Managers in the care homes operated by the Council as of 15 February 2018.

Operational Managers are on a Grade 8 salary scale of £40,206.27 to £46,688.66.

All full time employees of Glasgow City Council are entitled to 28 days of annual leave per year.

In relation to your request for the average yearly pension contribution and average yearly sick pay, it is the Council's opinion that this information is exempt from a request under Section 1 of the Freedom of Information (Scotland) Act 2002 because of the exemption contained in section 38(1)(b) of the Act.

In other words, in our opinion the disclosure of the information would involve releasing personal information. Release of this information would breach the Data Protection Principles contained within Article 5(1) of the General Data Protection Regulation. This requires us to process personal information in a lawful, fair and transparent manner.

The individuals concerned would not expect their personal details to be released in response to an FOI request. In our opinion, it would be unfair to the individuals concerned for such information to be released into the public domain. We are therefore unable to comply with your request.

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:***
- a. The location of each of the aforesaid care home; and***
  - b. The total expected and budget costs for the Council of each of the aforesaid care homes (such total costs to be broken down and provided to us on a per care home basis).***

**Response:** The information you have requested is, in our opinion, exempt from a request under section 1 of the Freedom of Information (Scotland) Act 2002 because of the exemption contained in section 25(1) of the Act. In other words, the information you are looking for is "reasonably accessible" to you without having to make a formal section 1 request.

The information on the Council's care homes, including the proposed development at Leithland, can be found on the Council's website at:

<https://www.glasgow.gov.uk/index.aspx?articleid=18089>

In addition to which you will find further information on the care facilities and resources provided in the care homes, as part of the Tomorrow's Residential and Day Care Programme at:

<https://www.yoursupportglasgow.org/glasgow-homepage/pages/information-for-older-people/care-homes/tommorrows-residential-and-daycare/>

## **RIGHT OF APPEAL**

I hope you are satisfied with this response. However, if you are not you have the right to make an application within six months of receipt of this letter for a decision by the Scottish Information Commissioner.

The Scottish Information Commissioner can be contacted as follows:

Address: Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS.  
Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)  
Telephone: 01334 464610

You can also use the Scottish Information Commissioner's online appeal service to make an application for a decision: [www.itspublicknowledge.info/appeal](http://www.itspublicknowledge.info/appeal)

Thereafter a decision by Scottish Information Commissioner may be appealed on a point of law to the Court of Session.

Yours sincerely

