

Subject: FW: FOI/2018/8690
Attachments: LET 20180928 FOI 3 2018 8690.doc

From: FOI, [mailto:FOI@south-ayrshire.gov.uk]
Sent: 28 September 2018 09:28
To: [REDACTED]
Cc: Communications <Communications@south-ayrshire.gov.uk>
Subject: [EXTERNAL] FOI/2018/8690

This message originated from outside your organisation

I refer to your recent Freedom of Information request and now enclose the Councils response.

Regards

FOI Team | Chief Executive's Office | FOI@south-ayrshire.gov.uk | 01292 612223 | County Buildings, Wellington Square, Ayr, KA7 1DR | www.south-ayrshire.gov.uk

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Visit our web site at www.south-ayrshire.gov.uk

Chief Executive's Office

Head of Regulatory Services: Catriona Caves

County Buildings, Wellington Square, Ayr, KA7 1DR

01292 612223

FOI@south-ayrshire.gov.uk

Our Ref: [REDACTED]

Your Ref [REDACTED]

Date: 28 September 2018



Sent by Email

Dear [REDACTED]

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 – INFORMATION REQUEST
FOI/2018/8690**

Thank you for your information enquiry relating to care homes for older people as registered with the Care Inspectorate, received on 31 August 2018. Due to the nature of your request, it has been dealt with under the Freedom of Information (Scotland) Act 2002.

I now enclose the Council's response which I trust will be of assistance to you.

If you are dissatisfied with the handling of your request you can ask for a review. A request for a review must be submitted within 40 working days and should be put in writing to [REDACTED] South Ayrshire Council, Resources, Governance and Organisation, County Buildings, Wellington Square, Ayr KA7 1DR, Tel: 01292 612223, Email: foi@south-ayrshire.gov.uk. If you remain dissatisfied after a review, you have the right to apply to the Scottish Information Commissioner for a decision. This must be submitted within 6 months after the review and should be put in writing to the Scottish Information Commissioner at Kinburn Castle, Doubledykes Road, St. Andrews, Fife KY16 9DS, Tel: 01334 464610 Email: enquiries@itspublicknowledge.info.

Further information on your right to ask for a review and to apply to the Scottish Information Commissioner is given in the enclosed Information Sheet.

Yours sincerely

[REDACTED]

Enc

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

FOI/2018/8690

Please provide details of the current average weekly rates and costs which privately funded care home residents are charged by the Council for each care home either owned and/or operated by the Council.

We are unable to provide this information as we do not know what the private care home charges private funded residents. Accordingly, this letter acts as a refusal notice under Section 17 of the Act which states that the information requested is not held.

If it was a local authority home, the resident would be charged at the gross cost of £589.90 per week (2018/19 Rate).

SOUTH AYRSHIRE COUNCIL INFORMATION SHEET
THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002
YOUR RIGHTS TO REQUIRE A REVIEW AND
APPLY TO THE SCOTTISH INFORMATION COMMISSIONER

REQUIRING A REVIEW

When can you require a review?

South Ayrshire Council hopes that you are satisfied with the outcome of your information request. In the event, however, that you are dissatisfied with the way in which your request has been handled, you have the right to require the Council to review its actions and decisions in relation to your request (this is called a "requirement for review").

How to submit a requirement for review

A requirement for review must:

- Be submitted in writing (which includes an e-mail if received in a legible form) or in another permanent form (such as, for example, a recording made on audio or video tape);
- State your name and an address for correspondence;
- Give details of:
 - (a) the request for information that you wish to be reviewed; and
 - (b) the reason(s) why you are dissatisfied with the Council's actions and decisions in relation to your request.

A requirement for review must be received by the Council no later than 40 working days after either:

- The expiry of the time-limit imposed on the Council for complying with your request for information; or
- Where the Council provides information, or issues a fees notice, or a refusal notice, or a notice that information is not held, but does so after the time-limit has expired, the date on which you receive the information or the notice.

If appropriate, the Council may comply with a requirement for review made after expiry of the time-limits.

For the purposes of calculating the time-limits, "working day" means any day other than a Saturday, a Sunday, Christmas Day or a day which, under the Banking and Financial Dealings Act 1971, is a bank holiday in Scotland.

The Council does not have to comply with a requirement for a review if the requirement is vexatious or it relates to a repeated request made by the same person which is identical or substantially similar to a previous request that has been dealt with, unless a reasonable period of time has elapsed between the making of the original request and the making of the repeated request.

The Council's Decision on Review

The Council must comply promptly with a requirement for review.

At the review, the Council may:

- Confirm its original decision, with or without modification;
- Substitute a different decision; or
- Reach a decision, where the complaint is that no decision has been reached.

You will receive written notice of the Council's decision and a statement of its reasons for the decision, no later than 20 working days after the Council receives the requirement for a review. You may withdraw your requirement for review at any time before the Council makes its decision.

Where to send your requirement for a review:

If you wish to submit a requirement for review, please send this to: **FOI Team, South Ayrshire Council, Resources, Governance and Organisation, County Buildings, Wellington Square, Ayr KA7 1DR, Email: FOI@south-ayrshire.gov.uk.**

APPLYING TO THE SCOTTISH INFORMATION COMMISSIONER FOR A DECISION

When can you apply for a decision by the Commissioner?

If, having asked the Council to review its actions and decisions in relation to your request for information, you are either dissatisfied with the outcome of the review as notified to you by the Council, or if the Council has failed to notify you of the outcome of a review, you may apply to the Scottish Information Commissioner ("the Commissioner") for a decision as to whether the Council has dealt with your request for information in accordance with Part 1 of the Freedom of Information (Scotland) Act 2002.

How to submit an application to the Commissioner

Any application to the Commissioner must:

- Be submitted in writing (which includes an e-mail if received in a legible form) or in another permanent form (such as, for example, a recording made on audio or video tape);
- State your name and an address for correspondence;
- Give details of:
 - (a) the request for information to which the requirement for review relates;
 - (b) the reason(s) why you are dissatisfied with the Council's actions and decisions in relation to your request; and
 - (c) the reason(s) why you are dissatisfied with the outcome of your requirement for a review or with a failure to notify you of the outcome of a review.

Any application to the Commissioner must be made no later than 6 months after either:

- you receive notice from the Council of the outcome of the review, or
- the expiry of the time-limit imposed on the Council for complying with a requirement for a review.

If appropriate, the Commissioner may consider an application made after the expiry of these time-limits.

The Commissioner's Decision

The Commissioner will contact the Council and invite its comments on your application. Thereafter (if no settlement has meantime been reached), the Commissioner must reach a decision within 4 months of receiving your application, or within such other period as is reasonable. You will receive written notice of the outcome of the Commissioner's decision.

You have a right of appeal to the Court of Session against the Commissioner's decision, on a point of law only.

Where to send your application to the Commissioner

An application to the Commissioner can be submitted to the **Scottish Information Commissioner at: Kinburn Castle, Doubledykes Road, St Andrews, Fife KY16 9DS, Tel: 01334 464610 E-mail: enquiries@itspublicknowledge.info Website: www.itspublicknowledge.info**