

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 08 March 2019 14:55  
**To:** foi@stirling.gov.uk  
**Cc:** [REDACTED]  
**Subject:** On behalf of Dow Investments PLC [IWOV-westdb1.FID3282869]  
**Attachments:** Stirling Req w. enc. 8.3.19.PDF

Dear Sir/ Madam,

Please see attached letter in relation to the Freedom of Information (Scotland) Act 2002.

Yours faithfully.

[REDACTED]

Our Ref: LJC1A/JYD2/DOW/44/3 12180023v1

Your Ref:

7 March 2019

Stirling Council  
The Records Management Officer  
Viewforth  
Stirling  
FK8 2ET

**ALSO BY E-MAIL TO:** [foi@stirling.gov.uk](mailto:foi@stirling.gov.uk)

Dear Sirs,


**Freedom of Information (Scotland) Act 2002 ("the Act")  
Dow Investments PLC ("our Client")  
Stirling Council ("Council")  
Care homes for older people as registered with the Care Inspectorate ("care home")  
Information Request**

On behalf of, and as instructed by our Client, we previously issued two requests for information (under the Act) to the Council regarding the Council's care homes. One request was sent on 16 February 2018 and the other on 30 August 2018. We received responses from the Council in respect of these requests on 15 March 2018 and 5 September 2018 (a copy of each letter referred to is enclosed).

There appears to be certain discrepancies as to the information provided by the Council in response to the two requests made. The earlier response received from the Council on 15 March 2018 listed three care homes within Stirling Council as owned and / or operated by the Council (namely: Strathendrick House, Allan Lodge and Beech Gardens) whilst the second response dated 5 September 2018 stated that: "*Stirling Council do not have any Council owned or managed care homes as our homes are all short stay assessment beds. In terms of Section 17 of the Freedom of Information (Scotland) Act 2002 we provide notice that we do not hold any information in relation to your request.*"

As a result of this apparent discrepancy by the Council, on behalf of, and as instructed by our Client, we hereby make a request under the Act to be provided with the following information:

*Please provide details of the current (as at today's date) 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. When we refer to privately funded residents we are referring to those residents who are assessed as having capital above the upper limit of £27,250 (and excluding any entitlement to free care). Please provide the requested information on a per care home basis.*

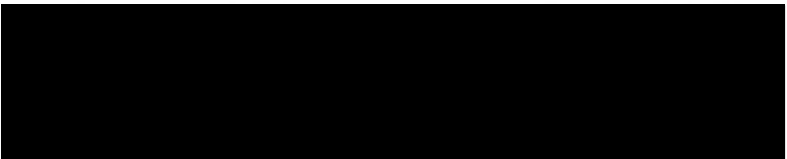
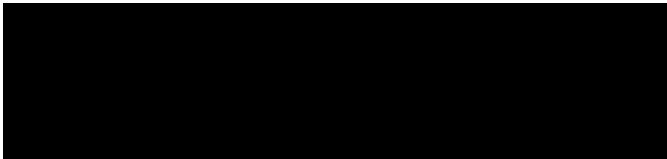
Pursuant to section 11 of the Act, we would prefer the information in electronic form (to be sent to ) , failing which, in hard copy.

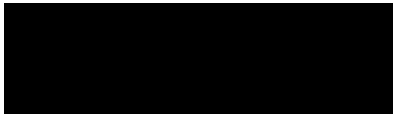
In so far as any of the requested information contains personal data, the disclosure of which is exempted under section 38 of the Act, we request that the information is provided with the personal data redacted.

To the extent that any of the requested information is exempt by virtue of section 25 of the Act, please advise where this information is accessible.

If there is no information falling within the scope of this information request, please advise us accordingly.

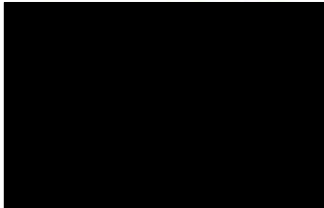
We look forward to receiving the information within the statutory time limits set out in section 10 of the Act.





Please contact our  if you require any further clarification of the information requested.

Yours faithfully.



Our Ref: LJC1A/LJC1A/DOW/44/3 11834486v1

Your Ref:

30 August 2018

Stirling Council  
The Records Management Officer  
Viewforth  
Stirling  
FK8 2ET

**ALSO BY E-MAIL TO:** [foi@stirling.gov.uk](mailto:foi@stirling.gov.uk)

Dear Sirs,

**Freedom of Information (Scotland) Act 2002 ("the Act")**  
**Dow Investments PLC ("our Client")**  
**Stirling Council ("Council")**  
**Care homes for older people as registered with the Care Inspectorate ("care home")**  
**Information Request**

On behalf of, and as instructed by our Client, we hereby make a request under the Act to be provided with the following information:

*Please provide details of the current (as at today's date) 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. When we refer to privately funded residents we are referring to those residents who are assessed as having capital above the upper limit of £27,250 (and excluding any entitlement to free care). Please provide the requested information on a per care home basis.*

Pursuant to section 11 of the Act, we would prefer the information in electronic form (to be sent to [REDACTED], failing which, in hard copy.

In so far as any of the requested information contains personal data, the disclosure of which is exempted under section 38 of the Act, we request that the information is provided with the personal data redacted.

To the extent that any of the requested information is exempt by virtue of section 25 of the Act, please advise where this information is accessible.

If there is no information falling within the scope of this information request, please advise us accordingly.

We look forward to receiving the information within the statutory time limits set out in section 10 of the Act

Please contact our [REDACTED] on [REDACTED] if you require any further clarification of the information requested.

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

Our Ref: JDM1//CXH/DOW/44/3 11394341v1

Your Ref:

15 February 2018

Stirling Council  
The Records Management Officer  
Viewforth  
Stirling  
FK8 2ET

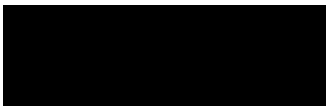
**ALSO BY E-MAIL TO:** [dataprotection@stirling.gov.uk](mailto:dataprotection@stirling.gov.uk)

Dear Sirs,

**Freedom of Information (Scotland) Act 2002 (the "Act")**  
**Dow Investments plc ("our Client")**  
**Stirling Council ("the Council")**  
**Care homes for older people as registered with the Care Inspectorate ("care home")**  
**Information Request**

On behalf of, and as instructed by our Client, we hereby make a request under the Act to be provided with the following information:

1. The total number of care homes in Scotland currently owned by the Council at today's date (15 February).
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 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 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 (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 numbers 1 and 2 above;
  - b. constructing and / or building (if applicable) each of the care homes identified in numbers 1 and 2 above;
  - c. redeveloping or otherwise renovating (this include 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.
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).

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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.
  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).
  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-tenant, any head-tenant(s) of each care home.
  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.
  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 the any outstanding amount(s) borrowed (such total amount(s) to be broken-down and provided 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 (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 provide a note of the following details:
    - a. name of each care home (if applicable); and
    - b. full postal address of each care home.
  11. The total number of care homes in Scotland currently operated by the Council at today's date (15 February).

12. Please provide a note of the following details in relation to each care home in Scotland currently operated by the Council:
- name of each care home (if applicable);
  - full postal address of each care home; and
  - the total period of operation by the Council for each care home, such period of time to be specified in years and months.
13. The total costs incurred by, and, for and 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):
- constructing and / or building (if applicable) each of the care homes identified in numbers 11 and 12 above;
  - redeveloping or otherwise renovating (this include any small-scale redevelopment or renovation projects) each of the care homes identified in numbers 11 and 12 above; and
  - 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.
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 the any outstanding amount(s) borrowed (such total amount to be broken-down and provided to us on a per care home basis).
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 details:
- 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 each care home.
16. The total weekly costs and expenses per resident for each care home identified in numbers 1, 2, 6, 7, 11, and 12 above (such total costs to be broken-down and provided to us on a per care home basis), 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:
- any central administration costs; and
  - any building, property and land maintenance costs.
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:
- 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 provides these details);
  - 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
  - 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 provides these details).

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

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 budgeted 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).

Pursuant to section 11 of the Act, we would prefer the information in electronic form (to be sent to [melissa.hendrie@macroberts.com](mailto:melissa.hendrie@macroberts.com)), failing which, in hard copy.

In so far as any of the requested information contains personal data, the disclosure of which is exempted under section 38 of the Act, we request that the information is provided with the personal data redacted.

To the extent that any of the requested information is exempt by virtue of section 25 of the Act, please advise where this information is accessible.

If there is no information falling within the scope of this information request, please advise us accordingly.

We look forward to receiving the information within the statutory time limits set out in section 10 of the Act.

Please contact our [REDACTED] if you require any further clarification of the information requested.

Yours faithfully,

[REDACTED]



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 16 March 2018 08:51  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: On behalf of Dow Investments plc (FOI/10992)  
**Attachments:** FOI10992\_Q16\_Costs.xlsx; FOI10992\_Q17\_Sickness\_Entitlement.docx; FOI10992\_Q2\_Care\_Home\_Details.xlsx

[REDACTED]

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**From:** FOI [mailto:FOI@stirling.gov.uk]  
**Sent:** 15 March 2018 18:31  
**To:** [REDACTED]  
**Subject:** RE: On behalf of Dow Investments plc (FOI/10992)

Dear [REDACTED]

I refer to your request for information, logged by us as FOI/10992 and can provide the following information in response to your request.

**Q1 – The total number of care homes in Scotland currently owned by the Council at 15 Feb 2018**

3 Care Homes

**Q2 – Please provide a note of the following details of each care home in Scotland currently owned by the Council**  
Please see attached spreadsheet, "FOI10992\_Q2\_Care\_Home\_Details.xlsx".

**Q3 - The total costs incurred by and on behalf of the Council associated with**

- a) Purchasing each of the care homes
- b) Constructing/building each of the care homes
- c) Redeveloping or otherwise renovating each of the care homes
- d) Purchasing land or assumed value of land owned by the Council and on which each care home is situated

Please note that we are still awaiting information to answer this part of your request, and will contact you again as soon as we have a response.

**Q4 – 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 Q3**

The Council is allowed to borrow to finance capital expenditure however this is done at a high level in terms of overall capital programme financing requirements: borrowing is not specifically attributed to particular items of capital expenditure or assets. Details of the Council's total borrowing is provided for in the Councils Annual Accounts each year and can be found at the following link: <http://source.stirling.gov.uk/pages/annual-accounts>

**Q5 – 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 financial years 2018/19**

We are not aware of plans to dispose of any care homes between 1 April 2018 to 31st March 2019

**Questions 6 –10** are not applicable, as the Council does not hold any care homes under lease and/or other tenancy right. We therefore hold no recorded information about these questions in terms of Section 17 of the Freedom of Information (Scotland) Act 2002.

**Questions 11-15** relate to care homes **operated** by the Council. We advise that the Council both owns and operates 3 care homes, and therefore the answers to Qs 11-15 are the same as for Qs 1-5.

**Q16 – The total weekly costs and expenses per resident for each care home etc.**

Please see attached file "FOI10992\_Q16\_Costs.xlsx"

**Q17 – The average yearly salary etc. for each manager, assistant manager and deputy manager at each care home**

Please note that this information relates to the current annual salary.

Managers are Grade 12 £38,076 -£40,431.

We do not employ Assistant or Deputy Managers

We have a defined benefit pension scheme and the employer currently contributes 21.5% of salary to this.

Sickness entitlement is based on Scottish Local Government National conditions which are attached (See file FOI10992\_Q17\_Sickness\_Entitlement.docx"). As we only have 3 care homes and therefore 3 managers, we are not disclosing the actual sick pay paid to these employees as we consider that it could constitute personal data. We are therefore refusing these details under Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002. Sick pay is not paid on top of the salary shown above.

Holiday entitlement is 29 days plus 7 public holidays for up to 5 years service then 34 days plus 7 public holidays.

**Q18 – Plans to buy and/or develop care homes**

Stirling Council has no plans to buy any care homes.

If you are dissatisfied with the way in which your request for information has been dealt with you are entitled to request a review of the actions and decisions made by the Council in relation to your request. Your request for review must be in writing or some other permanent form stating your name and address for correspondence, and specifying the request for information to which your request for review relates and why you are dissatisfied with the response.

You must make your request for review not later than 40 working days after the expiry of the 20 working day period of response to your initial request by the Council or not later than 40 working days after the receipt by you of the information provided, any fees notice issued or any notification of refusal or partial refusal.

Your request for review should be addressed in the first instance to:

Records & Information Compliance Manager, Stirling Council, Viewforth, STIRLING FK8 2ET email [foi@stirling.gov.uk](mailto:foi@stirling.gov.uk)

The Records & Information Compliance Manager will then arrange for an appropriate officer to undertake a review.

Please note that in any email you must state your name.

If you are dissatisfied with how your request for a review has been dealt with, then you are entitled to ask the Scottish Information Commissioner to investigate your case. You must ask the Scottish Information Commissioner no later than 6 months after the date of receipt by you of the notice or decision you are dissatisfied with or within 6 months of the expiry of the period of 20 working days from receipt by the Council of your request for review.

The Scottish Information Commissioner recommends that you appeal online. The online appeal service is available here: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)

You do not need to submit an appeal online, but if you do it will ensure the Commissioner is provided with all the information required to investigate your case quickly.

For further information about making an appeal to the Scottish Information Commissioner, including how to submit an appeal by email or post, see:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/OtherWaysToAppeal.aspx>

If you do not have access to the internet, you can contact the Scottish Information Commissioner at Kinburn Castle, Doubledykes Road, St Andrews, Fife KY16 9DS, Tel: 01334 464610 Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

You may also appeal against a decision of the Scottish Information Commissioner but on a point of law only. Any such appeal must be made within 42 days of the date of intimation of the Commissioner's decision notice.

Yours sincerely,

[Redacted signature]

Records & Information Compliance Team  
Stirling Council

[Redacted address]

[foi@stirling.gov.uk](mailto:foi@stirling.gov.uk)

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**From:** [Redacted]

**Sent:** 16 February 2018 14:25

**To:** dataprotection

**Cc:** [Redacted]

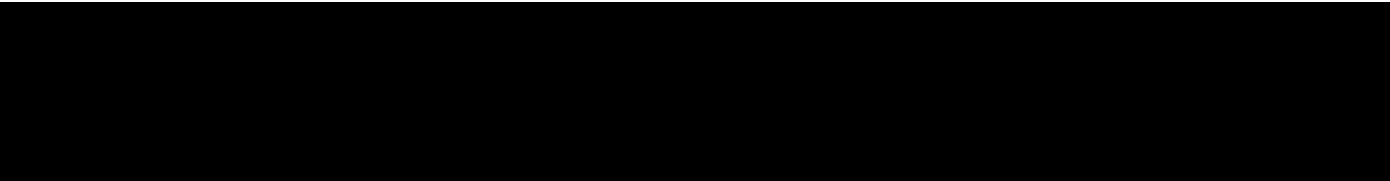
**Subject:** On behalf of Dow Investments plc

Dear Sir/Madam

Please see attached letter which is also being issued by post.

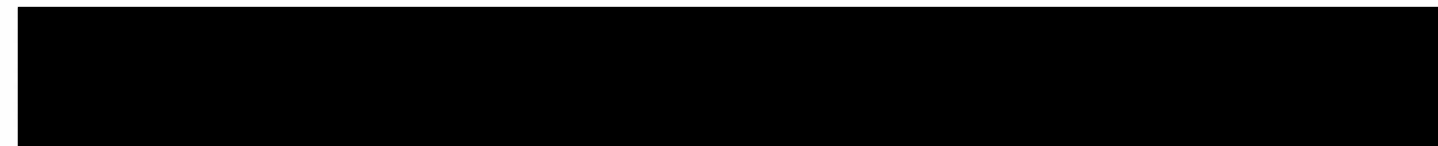
Yours faithfully

[Redacted signature]



Our e-mail system is subject to random monitoring and recording by us.

This e-mail does not form part of any contract unless specifically stated.



This message has not been encrypted. It may therefore be liable to compromise. It is your responsibility to scan this message for viruses. Viruses and compromises of security are inherent risks in relation to email. To the extent permitted by law we do not accept any liability for any virus infection and/or external compromise of security in relation to transmissions by email.

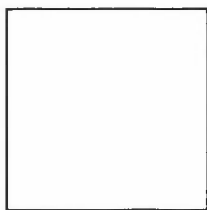
**Important Notice - Sending funds electronically to our bank accounts**

We are committed to helping minimise your risk of being exposed to fraudulent activity. We will **never** notify you of changes to our bank details by email. If you receive any communication indicating any change to our bank details, you should immediately call our Cash Department to confirm authenticity before you send any funds to us.

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This email and any attachments are intended solely for the individual or organisation to which they are addressed and may be confidential and/or legally privileged. If you have received this email in error please forward it to [servicedesk@stirling.gov.uk](mailto:servicedesk@stirling.gov.uk) and then delete it. Please check this email and any attachments for the presence of viruses as Stirling Council accepts no liability for any harm caused to the addressees' systems or data. Stirling Council may monitor its email system. Stirling Council accepts no liability for personal emails.

Stirling Council.





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**From:** CorporateFOI <corporatefoi@stirling.gov.uk>  
**Sent:** 05 September 2018 15:03  
**To:** [REDACTED]  
**Cc:** FOI  
**Subject:** [EXTERNAL] FOI/11725

This message originated from outside your organisation

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Dear [REDACTED]

I refer to your above request under the Freedom of Information (Scotland) Act 2002, which was logged by us as FOI/11725.

The following information has been provided in response to your request.

**Please provide details of the current (as at today's date) 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. When we refer to privately funded residents we are referring to those residents who are assessed as having capital above the upper limit of £27,250 (and excluding any entitlement to free care). Please provide the requested information on a per care home basis.**

Stirling Council do not have any Council owned or managed care homes as our homes are all short stay assessment beds. In terms of Section 17 of the Freedom of Information (Scotland) Act 2002 we provide notice that we do not hold any information in relation to your request.

If you are dissatisfied with the way in which your request for information has been dealt with you are entitled to request a review of the actions and decisions made by the Council in relation to your request. Your request for review must be in writing or some other permanent form stating your name and address for correspondence, and specifying the request for information to which your request for review relates and why you are dissatisfied with the response.

You must make your request for review not later than 40 working days after the expiry of the 20 working day period of response to your initial request by the Council or not later than 40 working days after the receipt by you of the information provided, any fees notice issued or any notification of refusal or partial refusal.

Your request for review should be addressed in the first instance to:  
Records & Information Compliance Manager, Stirling Council, Viewforth, STIRLING FK8 2ET email [foi@stirling.gov.uk](mailto:foi@stirling.gov.uk)

The Records & Information Compliance Manager will then arrange for an appropriate officer to undertake a review. Please note that in any email you must state your name.

If you are dissatisfied with how your request for a review has been dealt with, then you are entitled to ask the Scottish Information Commissioner to investigate your case. You must ask the Scottish Information Commissioner no later than 6 months after the date of receipt by you of the notice or decision you are dissatisfied with or within 6 months of the expiry of the period of 20 working days from receipt by the Council of your request for review.

The Scottish Information Commissioner recommends that you appeal online. The online appeal service is available here: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)


You do not need to submit an appeal online, but if you do it will ensure the Commissioner is provided with all the information required to investigate your case quickly.

For further information about making an appeal to the Scottish Information Commissioner, including how to submit an appeal by email or post, see:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/OtherWaysToAppeal.aspx>

If you do not have access to the internet, you can contact the Scottish Information Commissioner at Kinburn Castle, Doubledykes Road, St Andrews, Fife KY16 9DS, Tel: 01334 464610 Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

You may also appeal against a decision of the Scottish Information Commissioner but on a point of law only. Any such appeal must be made within 42 days of the date of intimation of the Commissioner's decision notice.

  
FOI Co-ordinator  
Stirling Council

This email and any attachments are intended solely for the individual or organisation to which they are addressed and may be confidential and/or legally privileged. If you have received this email in error please forward it to [servicedesk@stirling.gov.uk](mailto:servicedesk@stirling.gov.uk) and then delete it. Please check this email and any attachments for the presence of viruses as Stirling Council accepts no liability for any harm caused to the addressees' systems or data. Stirling Council may monitor its email system. Stirling Council accepts no liability for personal emails.

**Stirling Council.**

