



I am getting in touch with your organisation in your capacity as a Local Council/Authority with Responsibilities for Adult Social Services. This is because there are almost no publicly available data, nationally or locally, on the numbers of cases of abuse of adults where the alleged perpetrator is also the Lasting Power of Attorney (LPA) of the alleged abuse victim. This is important to know because of the substantial position of trust that LPA Attorneys are in, and also the considerable powers they have under the 2005 Mental Health Act.

Therefore, could I please request the following information under the Freedom of Information Act:

For the reporting year 2023-24 (i.e. as per your council's Section 42 Enquiry data returns to NHS England),

1. Of the 1800 records of concluded Section 42 Safeguarding Enquiries, in how many did the person (or one of the people) who was the alleged source of the risk have Lasting Power of Attorney over the adult who was at risk?

We do not hold the information that you have requested in an easily retrievable format.

Section 12 of the Freedom of Information Act 2000 (FoIA) relieves a public authority from the obligation to comply with a request for information where the estimated time required to locate, review and extract the information exceeds a certain threshold set out in Regulations.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI 2004/3244) set out the rules in relation to the cost limit (otherwise called the "appropriate limit"). These Regulations are published by the Office of Public Sector Information (OPSI) and are viewable on their web site from this link:

[http://www.opsi.gov.uk/si/si2004/uksi\\_20043244\\_en.pdf](http://www.opsi.gov.uk/si/si2004/uksi_20043244_en.pdf)

The Regulations set out the cost limit for Government departments and for other public authorities. For local government, Regulation 3 states that the cost limit is £450 and Regulation 4(4) states that the prescribed hourly rate is £25.

Regulation 4(4) further provides that where the local authority estimates the time taken to gather the information would exceed this limit (which based on the prescribed hourly rate, equates to 18 officer hours), it may refuse the request under section 12 of FoIA.

I am satisfied the cost limit applies to your request and will explain why this is the case.

This would consist of a desktop review of every s.42 concluded enquiry (15 mins per review as a low bar estimate) and we have 1800 records as reported in your question 1. This exceeds the 18-hour limit stipulated in the Act and would take upwards of 450 hrs.

2. Of the 490 records of concluded Section 42 Safeguarding Enquiries where the adult at risk lacked mental capacity, in how many did the person (or one of the people) who was the alleged source of the risk have Lasting Power of Attorney over the adult who was at risk?

We do not hold the information that you have requested in an easily retrievable format. We are also unclear as to what decision you are asking that people lacked mental capacity in.

Section 12 of the Freedom of Information Act 2000 (FoIA) relieves a public authority from the obligation to comply with a request for information where the estimated time required to locate, review and extract the information exceeds a certain threshold set out in Regulations.

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Regulation 4(4) further provides that where the local authority estimates the time taken to gather the information would exceed this limit (which based on the prescribed hourly rate, equates to 18 officer hours), it may refuse the request under section 12 of FoIA.

I am satisfied the cost limit applies to your request and will explain why this is the case.

This would consist of a desktop review of every s.42 concluded enquiry where the adult at risk was deemed to lack mental capacity (15 mins per review as a low bar estimate) and we have 490 records as reported in your question 1. This exceeds the 18-hour limit stipulated in the Act and would take upwards of 122 hrs.