



REQUEST 18839

This request is regarding councils deeming that a person has partaken in a deliberate deprivation of assets.

This is the process in which the council decides if someone has deliberately given away or disposed of some or all of their savings, other capital assets, or income, to reduce the amount of their assessed care and support charge.

I would be keen to get answers and information for the following questions.

1. Could you please provide me with the total number of instances where your council has deemed that someone has carried out a 'deliberate deprivation of assets'? Could you please break these down by year 2022/23, 2023/24, 2024/25, and 2025/26 so far?
2. Could you please provide me with the total amount in cash terms that people have had to pay towards care costs after being deemed to have partaken in a deliberate deprivation of assets? Could you please break these down by year 2022/23, 2023/24, 2024/25, and 2025/26 so far?
3. Could you please give me the number of times that the council has had to recover debts from a third party after finding that a 'deliberate deprivation of assets' has taken place? Could you please break these down by year 2022/23, 2023/24, 2024/25, and 2025/26 so far?

RESPONSE

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/ukxi_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. There are over 4,200 cases which would need to be accessed and reviewed to identify any cases of deprivation of assets, and it would take an average 5 minutes to review each case, amounting to around 350 hours in total.

4. Could you provide me with the number of times complaints have been raised with the Local Government and Social Care Ombudsman from people who have been accused by the council of carrying out a deliberate deprivation of assets? Could you provide me with the number of times the ombudsman has upheld the claimant's claim?

4. None