

Freedom of Information Annual Report 2020 / 2021

CONTENTS

- 1 Introduction
- 2 FOI Function and Process
- 3 Our Performance
 - 3.1 Summary of Compliance
 - 3.2 Breakdown of Requests
 - 3.3 Main Themes
 - 3.4 Breaches
 - 3.5 Exemptions
 - 3.6 Internal Reviews and Complaints
- 4 Governance
 - Legislation and Policy
 - Publication Scheme
- 5 Conclusion

1

INTRODUCTION

The Freedom of Information Act 2000 provides public access to information held by public authorities, including NHS organisations such as ours. The NHS spends money collected by taxpayers, and makes decisions that can significantly affect people's lives. Access to information helps the public make the NHS accountable for their actions and allows public debate to be better informed and more proactive.

The right of access to information is very wide:

- Anyone can ask for any 'information' which is held by the Trust at the date of the request.
- Anyone can make a freedom of information request, they do not have to be a UK citizen or resident and requests can also be made by organisations, for example, a newspaper or campaign group

Information can be accessed in two ways:

1. Public authorities are obliged to publish certain information about their activities.
2. Members of the public are entitled to request information from public authorities.

Under the legislation, individuals have a right to request any recorded information including printed documents, computer files, letters, emails, notes, photographs and sound or video recordings. The Act promotes transparency and allows taxpayers to hold public bodies to account, both on how their money is being spent and how decisions are made which affect their lives.

While it most certainly brings additional work to already stretched resources, the Act has brought about improvements in procedures and reporting across the Trust year on year as a result of requests that highlight inefficiencies and poor practice.

The Freedom of Information Officer is responsible for managing all requests made under the Freedom of Information (FOI) Act 2000 and the Deputy Company Secretary is the designated FOI Lead.

This annual report gives information about the numbers of requests received by Sussex Partnership NHS Foundation Trust in 2020/2021 (1 April 2020 - 31 March 2021) and provides an in-depth breakdown of data by team/service/request type.



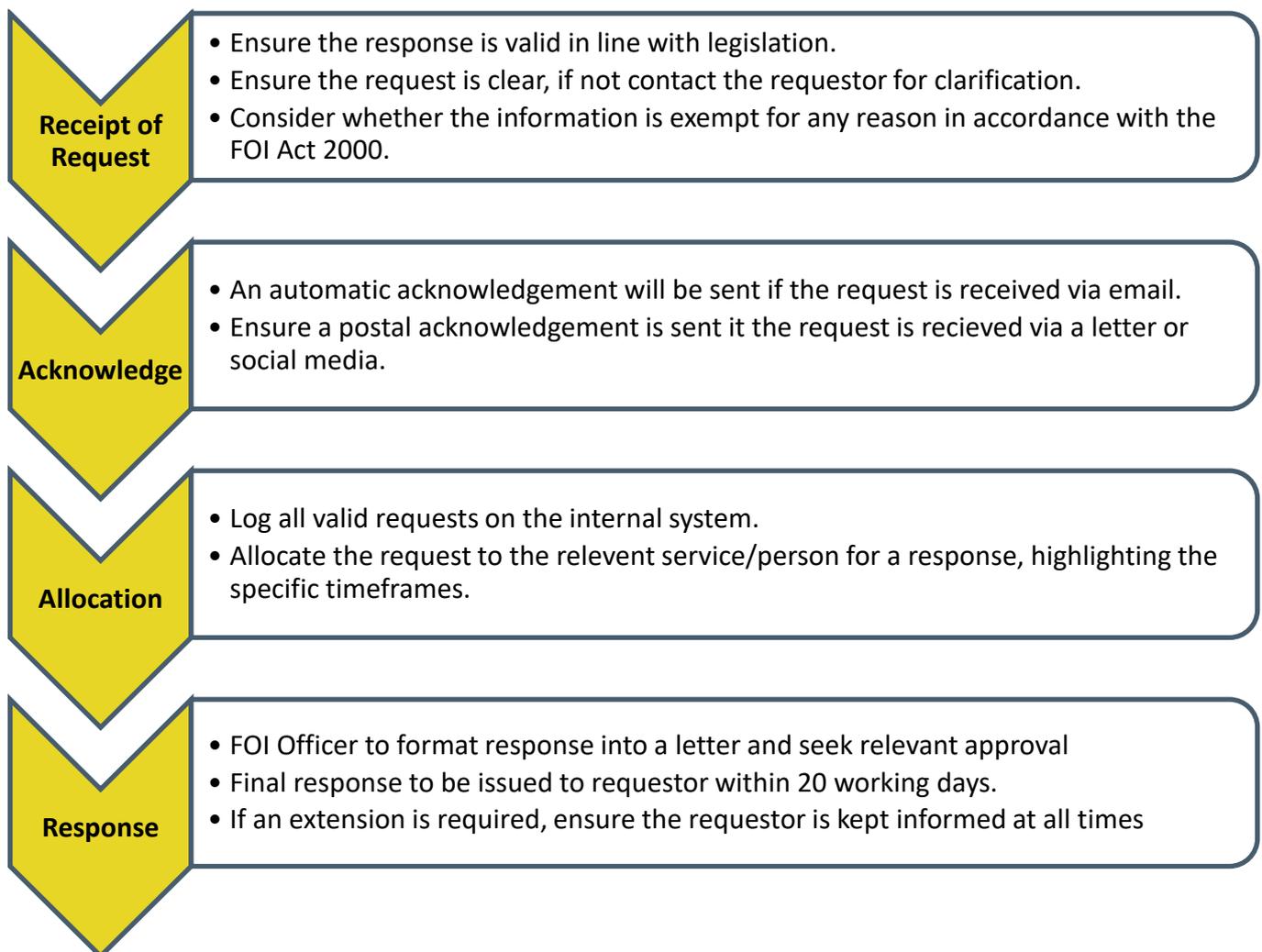
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FREEDOM OF INFORMATION FUNCTION AND PROCESS

The Deputy Company Secretary and Freedom of Information Officer are responsible for ensuring the Trust's ongoing compliance with the Freedom of Information Act 2000, which includes the processing of all requests by applying a consistent set of rules that ensure that our legal responsibilities are met and the interests of the Trust are maintained.

The Deputy Company Secretary and Freedom of Information Officer also provide regular advice and support to staff across the Trust regarding Freedom of Information legislation.

There is a robust process in place to ensure compliance with the Act as follows:



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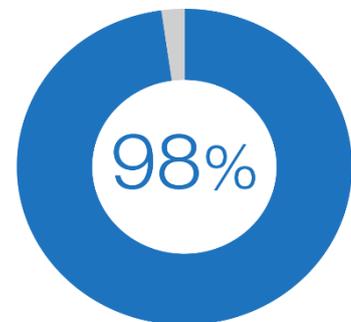
OUR PERFORMANCE

- 3.1 Summary of Compliance
- 3.2 Breakdown of Requests
- 3.3 Main Themes
- 3.4 Breaches
- 3.5 Exemptions
- 3.6 Internal Reviews and Complaints

3.1 SUMMARY OF COMPLIANCE

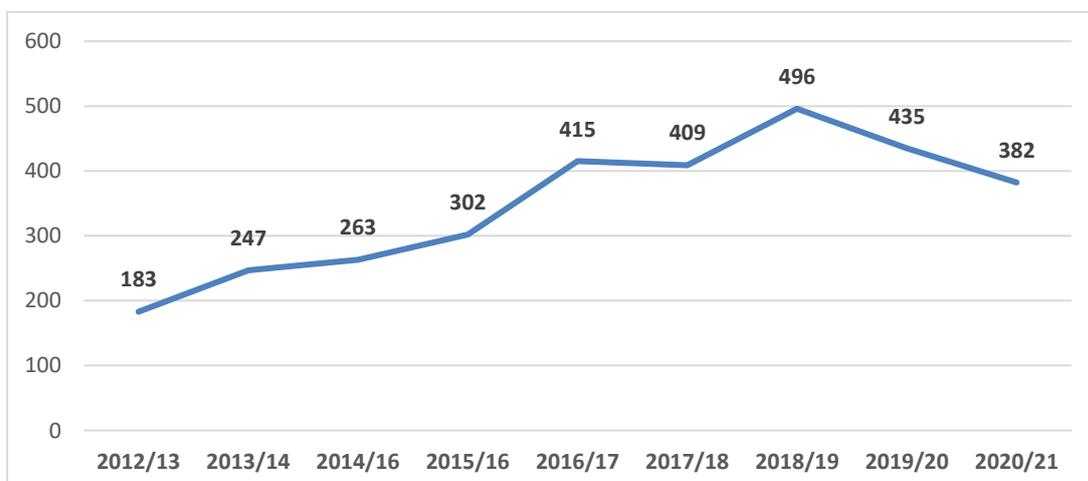
In 2020/2021, the Trust received **382** Freedom of Information requests of which **378 (98.95%)** received a response within the 20-working day deadline.

The Freedom of Information Act 2000 requires the Trust to respond to requests within **20 working days** and the Information Commissioner's Office (ICO) has set a statutory timescale for public authorities to achieve **90%** of all requests to be responded to within 20 working days. **The Trust therefore met this statutory timescale.**



The number of FOI requests received by the Trust decreased slightly in 2020/2021, with **382** requests received compared to **435** in 2019/2020. This is a decrease in requests of **13%** on last year which could be justified by the ongoing COVID-19 pandemic.

Numbers of Requests Received Per Annum - comparison to previous years

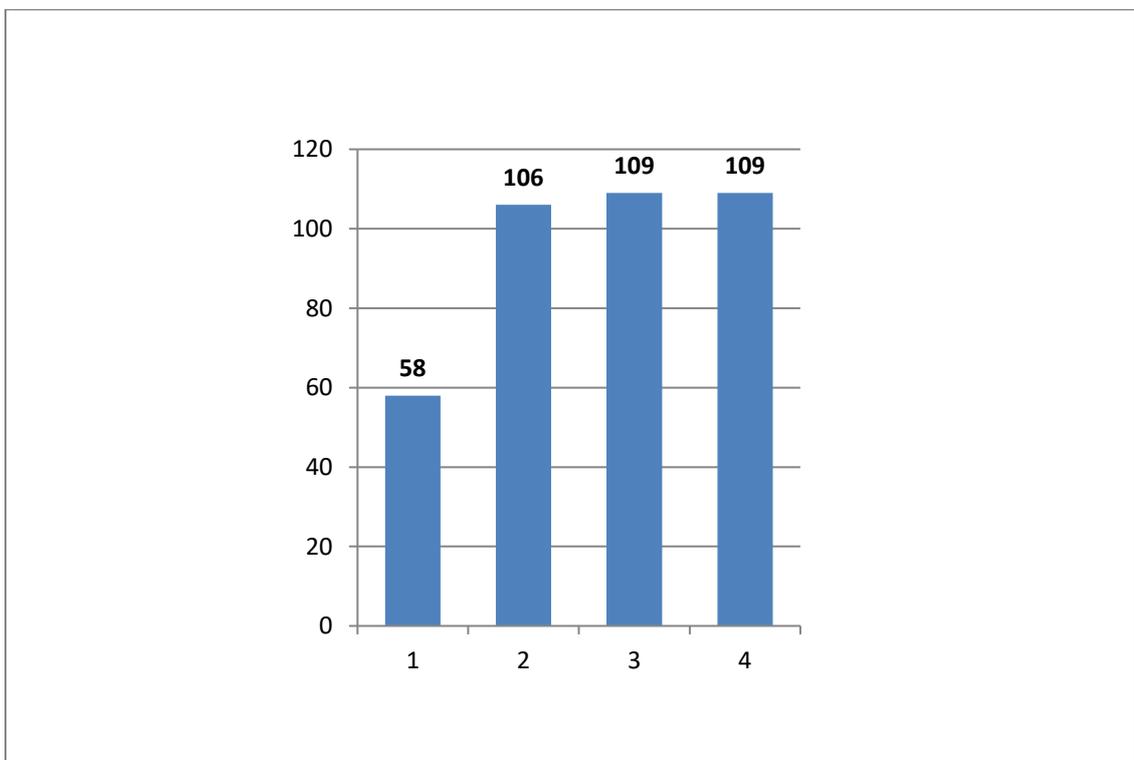


3.2 BREAKDOWN OF REQUESTS

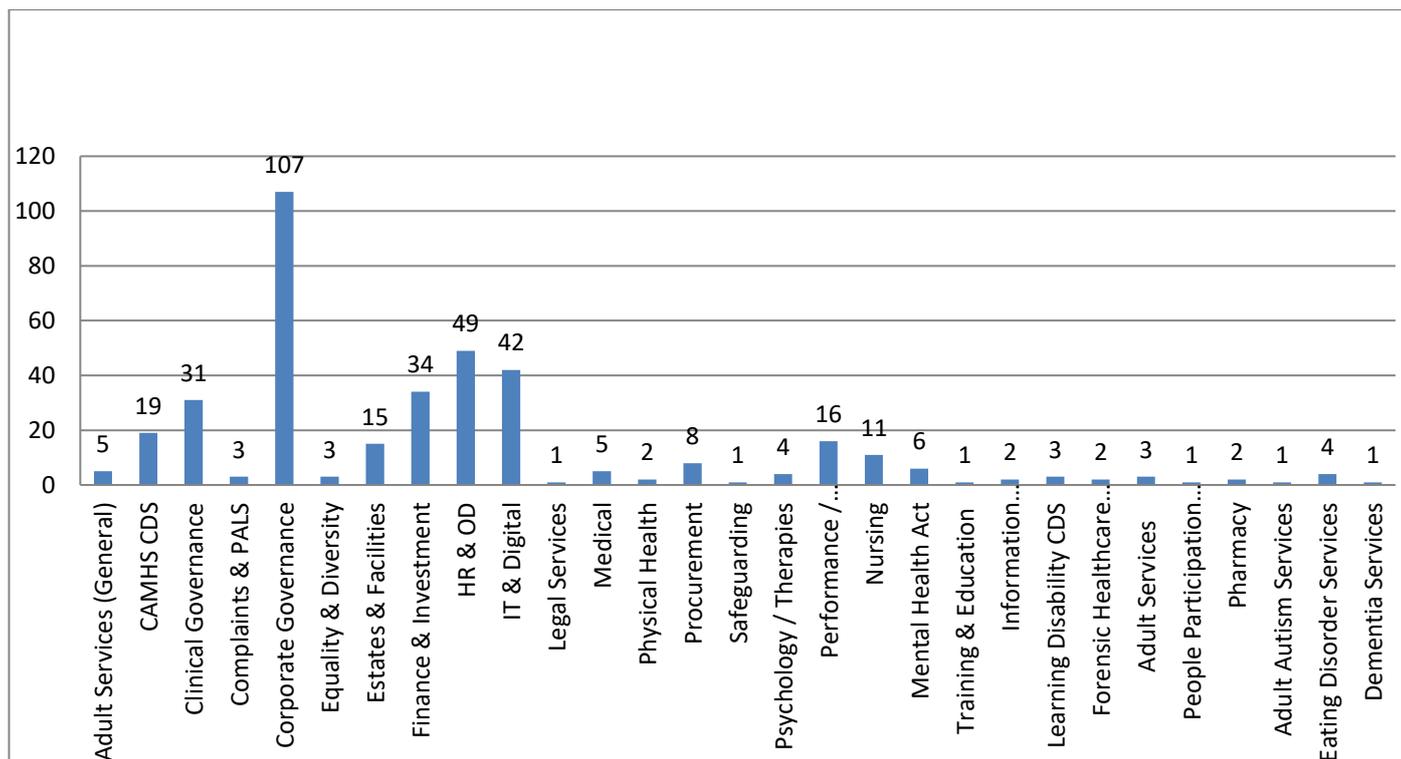
Breakdown of Requests and Compliance by Quarter

Quarter	No of FOI requests	completed within 20 working days	% completed within 20 working days
1	58	55	94%
2	106	106	100%
3	109	109	100%
4	109	108	99%
Total	382	378	98.95%

Number of FOIs by Quarter



Number of FOI Requests by Team / Service

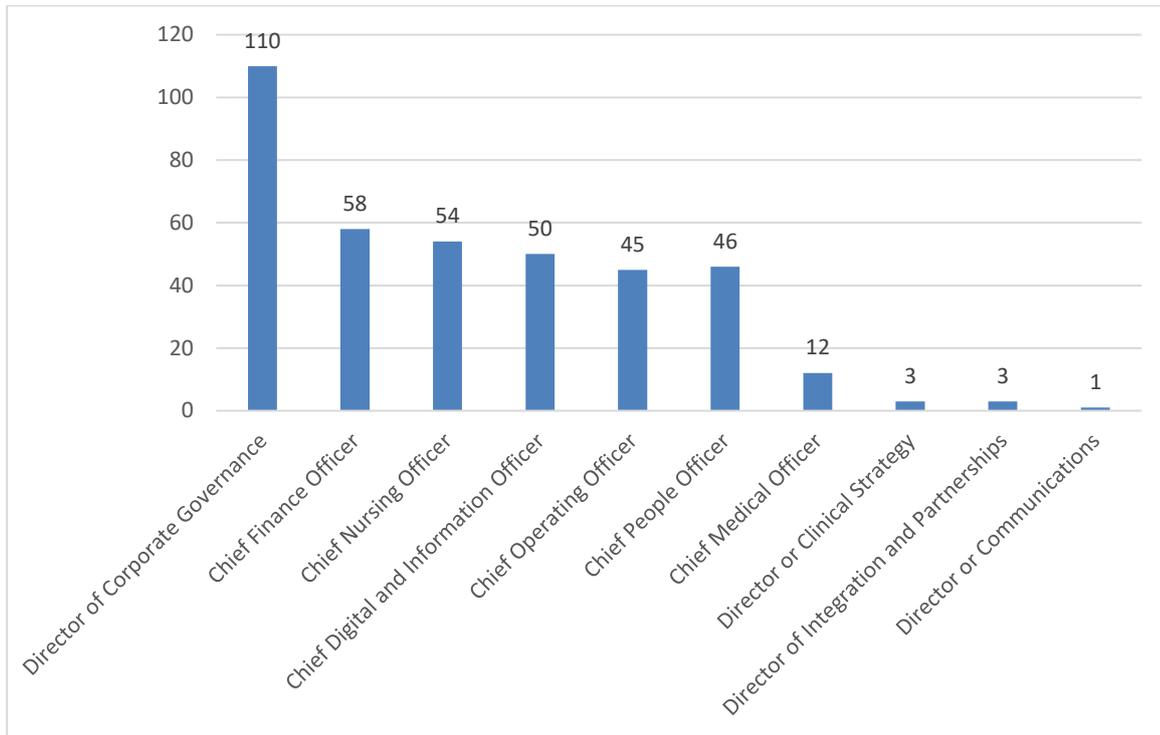


Corporate Governance received / dealt with the most FOI requests in 2020/2021 (28% of overall requests) followed by HR & OD (12%), IT & Digital (10%), Finance (8%), Clinical Governance (8%) and Performance (4%). Finance and Performance departments are often involved in generating data as part of other directorate's requests.

The Deputy Company Secretary and FOI Officer respond to all non-appropriate requests, i.e. not for a mental health Trust, respond to any non-specific and general corporate governance requests and apply exceptions under the Act where required. Where appropriate the Trust refers requestors to information within the Trust's publication scheme.

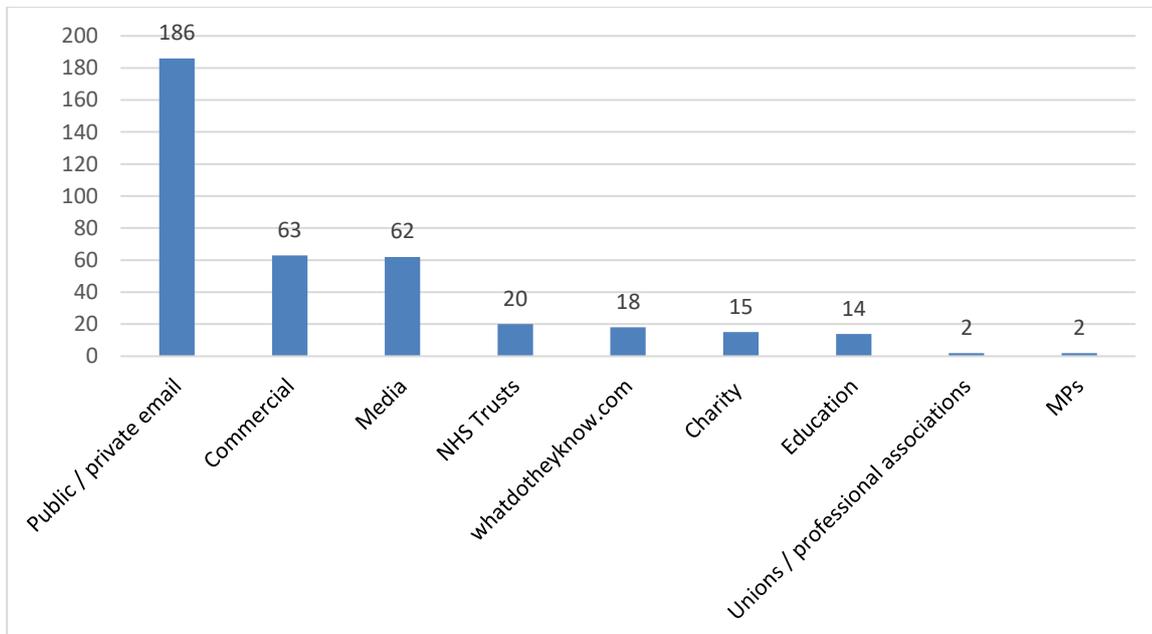
In addition to Corporate Governance and Executive approval all media requests are reviewed and approved by the Communications Team prior to submission.

Breakdown by Executive Sponsor



Breakdown by Requestor Type

By number:



By percentage:

Requestor Type	Percentage
Public / private email	49
Commercial	16
Media	16
NHS Trusts	5
whatdotheyknow.com	5
Charity sector	4
Education sector	4
Unions / professional associations	0.5
MPs / political parties / government	0.5
	100%

3.3 MAIN THEMES

The main themes this year are as follows:

- COVID-19 (includes hospital-acquired infections / deaths / PPE / BAME risk assessments, PPE mask fit testing) - 42 requests (11%)
- CAMHS (referrals and waiting times) - 21 requests (5%)
- Agency / bank spend - 16 requests (4%)
- Mortality rates / inpatient deaths - 14 requests (3%)
- IT security - 8 requests (2%)
- Mental Health Act data - 7 requests (2%)
- ECT services - 5 request (1%)

3.4 BREACHES

In quarter 1, three requests were extended beyond 20 working days. One breach was owing to a delay in Executive approval (extended by 3 working days) and two breaches owing to delays in receiving information from services (extended by 13 and 18 working days). In quarter 4 there was one breach owing to delayed Executive approval (extended by 1 working day). Therefore, a total of four breaches were recorded in 2020/2021.

The FOI Act only allows us to extend the 20 working days deadline if we need to clarify the request, if we are charging a fee or if we are considering the public interest test. We cannot extend a request to allow more time to gather information / answer the request or due to internal workload. The 20 working days deadline must be adhered.

The Deputy Company Secretary and FOI Officer monitored performance and supported departments in responding to requests within the statutory time frame, ensuring breaches were kept to a minimum.

The FOI Officer supported staff and teams to achieve this by:

- Providing FOI requests to the appropriate department within two working days of receiving the initial request
- Providing a clear definitive deadline for information
- Providing weekly reminders of outstanding FOI requests
- Escalation to Head of Service / Operational Director where appropriate
- Escalation to Executive Director where appropriate
- The FOI Officer offers support drafting responses where required
- Proactive and target-orientated way of working
- Training and guidance available to staff on the intranet

3.5 EXEMPTIONS

The FOI Act was introduced with the aim of increasing transparency; however, there are certain circumstances where information is exempt from disclosure. Exemptions under the Act can apply in part or to the whole of a request.

The table below indicates the type and frequency of exemptions applied to FOI requests in 2020 / 2021:

Type of exemption applied to whole / part of the request	Number of exemptions	% of requests
No exemption applied	337	88%
Section 8 - Recognising a request	2	0.5%
Section 12 - Significant investment of time	18	5%
Section 14 - Repeat requests	1	<0.5%
Section 21 - Information accessible by other means	1	<0.5%
Section 31 - Law enforcement	8	2%
Section 40 - Personal information	8	2%
Section 43 - Commercial interests	7	1%

Some examples of exemptions used during 2020 / 2021:

Section 12 - Significant investment in time

This is where it is deemed to take more than 18 hours to collate the information requested and the cost would exceed £450 (18 hours x £25 per hour).

Section 40 - Personal information

This is where we consider the request to include personal information protected by the Data Protection Act 2018 and therefore exempt from disclosure.

Section 43 - Commercial interests

This is where we consider the request to be commercially sensitive, for example, a business secret such as supplier list and contact details or cost information particularly when a tender is due. The public interest test must be applied to each request.

Section 31 - Law enforcement

This is where we consider that information in the public domain could allow criminals to identify whether the Trust is vulnerable to theft or cyber-crime.

3.6 INTERNAL REVIEWS & COMPLAINTS

There may be occasions when the requestor is not happy with the response they have received to their request, in these instances the Trust has the following process in place:

Informal Resolution

- If a requestor is unhappy with the Trust's response or feels it has not been properly handled we try to resolve this informally in the first instance with the person/team who provided the information

Internal Review

- If the requestor remains dissatisfied, they may seek an internal review within Sussex Partnership of the issue or the decision. A senior staff member of Sussex Partnership, who has not previously been involved with your request, will undertake that review.

Information Commissioners Office (ICO)

- If the requestor is dissatisfied with the outcome of any internal review, they may complain to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the Freedom of Information Act.

The ICO is the UK's independent body set up to uphold information rights. They have a duty to:

- Investigate complaints from members of the public who believe that an authority has failed to respond correctly to a request for information
- Monitor organisations to form a view of their performance in adhering to the Freedom of Information Act. The Trust's target is to ensure 90% of all requests are responded to within 20 working days.

The ICO has powers to enforce compliance where a breach of the Act has occurred and to impose penalty fines.

In 2020/2021 the Trust received **four** requests for an Internal Review and these were dealt with satisfactorily. Please see below for further information:

1. Information request about ECT, restraints and seclusion.
Internal review querying use of section 12 (significant investment in time) exemption.
Outcome: information subsequently provided.
2. Information request about IT software solutions and contracts.
Internal review querying the use of section 31 (law enforcement) exemption.
Outcome: information subsequently provided.
3. Information request for an impact assessment report for a member of staff
Internal review querying use of section 40 (personal information) exemption.
Outcome: exemption upheld.
4. Information request for the number of cases of hospital-acquired Covid-19.
Internal review querying use of section 12 (significant investment in time) exemption.
Outcome: information provided in part.

No requests were escalated for the attention of the Information Commissioner's Office.



4

GOVERNANCE

4.1 Legislation and Policy

4.2 Publication Scheme

Information Governance (IG) supports the provision of high quality care through the effective and appropriate use of information. It provides a set of rules with which the Trust must comply in order to maintain comprehensive and accurate records, and includes keeping those records confidential and secure.

The Freedom of Information Officer submits quarterly performance reports, sponsored by the Director of Corporate Governance, to the Information Governance and Security Assurance Group, Chaired by the Chief Digital and Information Officer.

The Information Governance and Security Assurance Group are responsible for overseeing Information Governance, Information Security and Confidentiality issues for the Trust. This includes developing and maintaining policies, procedures and guidance, and training and awareness of IG in the Trust.

The Information Governance and Security Assurance Group reports to the Quality Committee which is a Committee of the Trust Board and keeps its own risk register for information risk.

The group consists of the mandatory roles of Senior Information Risk Owner (SIRO) and Caldicott Guardian (CG) supported by representation from those with responsibility for Information Governance, Cybersecurity, Information Communications Technology, Confidentiality, Health Records, Human Resources and Corporate Records. Reports from these areas, including Freedom of Information reports, are received by the group and any actions are recorded and monitored by the group.

4.1 LEGISLATION AND POLICY

Freedom of Information Policy

The Freedom of Information policy was last reviewed by the Deputy Company Secretary and FOI officer in October 2019 and was subsequently ratified at the Information Governance and Security Assurance Group meeting on 18 November 2019. The next review date is December 2022. The current policy can be found here [\[link\]](#)

Freedom of Information Act 2000 and Freedom of Information Code of Practice 2018

No updates / revisions.

4.2 PUBLICATION SCHEME

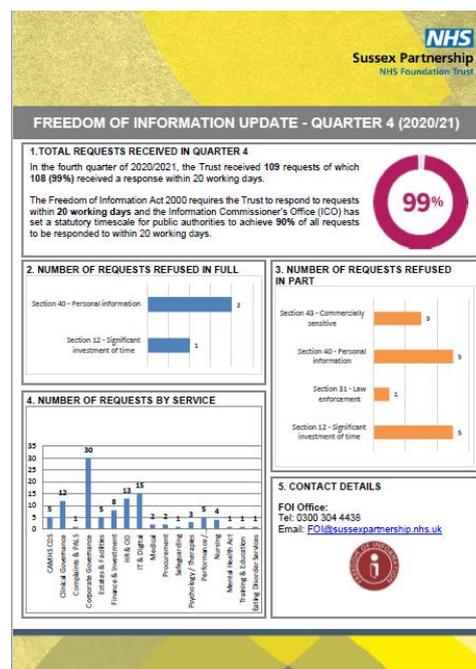
Under Section 19 of the Freedom of Information Act, every public authority is required to proactively publish and maintain a publication scheme and has a duty to specify what information they publish, how the information is made available and whether it is free or if there is a charge.

Our publication scheme explains what information we provide to the public. Wherever possible, we make it easy to access. The model of our publication scheme has been approved by the Information Commissioner's Office (ICO) and is provided in a set format through the categories below:

- What we spend and how we spent it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer
- Useful documents and resources
- Our FOI statistics
- Emergency preparedness, resilience and response (EPRR) assurance statement

The FOI Officer publishes quarterly statistical reports, formatted as below, and annual reports under the heading 'Our FOI Statistics'.

The Trust's publication scheme is maintained and updated by the Deputy Company Secretary and FOI Officer. The publication scheme is currently up to date and available on our public website and can be viewed here [\[link\]](#)



5

CONCLUSION

This year has been another good year for FOI performance and compliance and the Trust has met and exceeded the ICO's statutory timescale of 90% of all requests receiving information within 20 working days.

Requests were down by 13% compared to 2019/2020, this can be explained by the ongoing COVID-19 pandemic, although requests have generally been more complex and in-depth than the previous year. For information and context, we can report that quarter one 2021/2022 saw an increase of 61% in requests against the quarter 1 five-year average; we are expecting to have our busiest year to date by reaching an estimated 500-600 requests with continued complexity.

We intend to continue providing an efficient and comprehensive Freedom of Information service and to continue achieving above 90% compliance.

For further information about this annual report or Freedom of Information matters please contact:

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