

**Compliance Team – Health Records**

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## FOI REQUEST NUMBER 144 2015

**Request:**

I am writing to request information under the Freedom of Information Act 2000.

I would like to receive a copy of the report “Understanding the Impact of Trust Service Strategy on staff working in the Central Adult Service Line”.

I would like to receive this information in the form of an email reply.

If this request is too wide or unclear, I would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

I understand that you are required to respond to my request within the 20 working days after you receive this letter. I would be grateful if you could confirm in writing that you have received this request.

**Response:**

Please see attached the response to your recent FOI request.

## Request for Information

I refer to your email dated 22<sup>nd</sup> May 2015 which sets out a request for information ('the Request') which we have dealt with under the Freedom of Information Act 2000 (FOIA).

In the Request you have asked for "a copy of the Report Understanding the Impact of Trust Service Strategy on staff working in the Central Adult Service Line".

The Trust has interpreted this to mean the Trust report entitled, "Understanding the impact of Trust Service Strategy on staff working in the Central Adult Service Line" ('the Report').

The Trust considers the Report to be exempt from disclosure under section 36(2)(b)(i) and 36(2)(b)(ii) of the FOIA. This is because, in the view of the Trust's 'qualified person' (for the purposes of s.36 of FOIA) disclosure of the Report would or would be likely to inhibit:

- i. the free and frank provision of advice, or
- ii. the free and frank provision exchange of views for the purpose of deliberation.

The exemption set out in section 36 of FOIA is 'qualified'. This means that the Trust is under an obligation to consider the 'public interest test', which involves balancing the public interest factors in favour of disclosure and also maintaining the exemption.

Having considered the public interest, the Trust has reached the conclusion that the public interest balance lies in favour of maintaining the exemption and withholding the information. The Trust appreciates the importance of transparency in relation to reviews around its service strategy and how this has affected Trust staff. It also appreciates the importance of openness around the background to any decisions made as a result of the findings in the Report.

Conversely, however, disclosure of such information is likely to inhibit those taking part in similar reviews in the future, meaning that they could be less effective and lead to poor and less robust decision making.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within twelve months of the date of receipt of the response to your original letter and should be addressed to the Chief Executive at the address shown at the top of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

## Record of the qualified person's opinion

Freedom of Information Act 2000 Section 36

<b>The public authority</b>	
1. Name of the authority	Norfolk and Suffolk NHS Foundation Trust
<b>The qualified person</b>	
2. Name	Michael Scott
3. Job title	Chief Executive
4. Subsection of s36(5) under which qualified person is authorised	O(iii)
<b>Information on which opinion was sought</b>	
5. Brief description of the information requested	A copy of a report entitled, ' Understanding the impact of Trust Service Strategy on staff working in the Central Adult Service Line" ('the Report').
6. Information was	<input checked="" type="checkbox"/> shown to qualified person <input type="checkbox"/> described to qualified person
<b>Submission to the qualified person</b>	
7. Date opinion sought	16 <sup>th</sup> June 2015
8. Subsection(s) of s36(2) on which opinion was sought	<input checked="" type="checkbox"/> 36(2)(b)(i) <input checked="" type="checkbox"/> 36(2)(b)(ii)
9. Arguments put forward as to why prejudice/ inhibition would/ would be likely to occur	<p>On 1st October 2013 the Trust's 'Adult Central service line' became operational. This involved new structure being put in place for the delivery of services. The revised structure included changes to skill-mix requirements and a reduction in posts. The transition to the new model has been hampered by unanticipated challenges including increased staff sickness, vacant posts, erroneous caseload predictions and the interface with other parts of the Service. Given all of this, a review was commissioned to facilitate understanding of the impact of Trust Service Strategy on clinical staff. This review was undertaken by the Trust's Acting Clinical Education Lead.</p> <p>The Trust is withholding from disclosure the Report on the basis that its disclosure would or would be likely to inhibit the free and frank provision of advice and exchange of views.</p> <p>In particular, Trust staff were informed at the outset of the review that information they put forward was provided in absolute confidence. This was to ensure that participants felt able to contribute to the review in the comfort that their information (whether anonymised or not) would not be disseminated/published or disclosed in</p>

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any circumstances.

	<p>any circumstances.</p> <p>The Report is a combination of quotes and more general reflections of the views put forward by staff during the review.</p> <p>If the Trust discloses this information, there is a strong likelihood that Trust staff would not be so open and honest in putting forward their concerns and views on Trust matters in similar future exercises. The Trust must be able to have 'private thinking space' to undertake reviews of this nature in order that it can obtain a genuine unabashed view of matters. Based on those views it can then make informed, focussed decisions which ultimately provide maximum benefit for service users and staff. The report has been shared with staff directly involved in providing views for the report in order to improve services and staff engagement.</p>
10. Counter arguments put forward	<p>The overriding purpose of the Freedom of Information Act 2000 is to ensure that public bodies are as open and transparent as possible and information should be disclosed by public bodies where possible.</p> <p>There is a public interest in disclosure of information which describes staff views about the operation of the Trust, and particularly findings of reviews of this kind in order that there is transparency around proposed recommendations which could result in service delivery changes.</p>
11. Any other factors taken into account	<p>The staff who have taken part in the review have been informed categorically that the information they put forward will be kept confidential.</p>

**The qualified person's opinion**

The qualified person's opinion is that, if the information requested were disclosed, the prejudice/ inhibition specified in the following section(s) of the Freedom of Information Act 2000:

36(2)(b)(i) would be likely to occur for the following reasons(s):

- i. The Report contains the free, frank, and sometimes unflattering advice and opinions of staff about the Trust. Had participating Trust staff known that the Report would be disclosed/made public it is highly unlikely that they would have been so frank in providing their views. If the Trust discloses the Report, then there is a high likelihood that future similar reviews will involve far less candid and honest advice being put forward. This is likely to undermine the whole review process and ultimately lead to weak and possibly unsuitable

recommendations being made.

36(2)(b)(ii) would be likely to occur for the following reasons(s):

- i. It is clear from the content of the Report that Trust staff felt able to be free and frank with their views for the purpose of deliberation as they were informed that their information would be treated with absolute confidence.
- ii. If the Report is disclosed (and ultimately placed into the public domain), there is a significant risk that such disclosure will have a direct impact on Trust staffs' ability to be so open and honest during a similar review exercise. This is very likely to lead to a lack of robust decision making as the decision makers will not have been provided with candid information about the state of matters; instead they are likely to be provided with a tempered account of matters which does not properly represent the actual situation.
- iii. The process of allowing Trust staff to be open and honest in order to improve the operation of the Trust will be inhibited if reviews of this type cannot be conducted in a 'safe space' which is protected from publication/disclosure.

13. Date opinion was given	
14. Qualified person's signature	