

Freedom of Information Request

Reference Number: [EPUT.FOI.19.1099](#)
Date Received: [1 June 2019](#)

Information Requested:

Please can you tell me the number of your patients that have committed, or who are suspected of committing, a homicide by date, for each of the calendar years 2013 – 2018 inclusive.

By 'homicide' I mean murder, manslaughter, infanticide, or causing death by dangerous driving.

By 'patient' I mean both community and in-patients who are either current patients or who have had contact with the trust within six months of the offence.

By 'suspected of committing a homicide' I mean charged by the Police or found unfit to plead where legal proceedings have not yet been completed, or, where a patient has taken their own life after apparently killing someone else.

Just to be clear I am NOT requesting any personal data. I am interested in the statistics over time and at different times of the year.

As I understand these incidents would normally trigger a Trust Serious Untoward Incident investigation, and there would presumably be correspondence with your Trust Board and the National Confidential Inquiry into Suicide and Homicide by people with mental illness (NCISH), I trust this information will be relatively easy to collate.

Response:

The Trust can confirm that the following Homicides/Suspected Homicides were reported for the time period requested. Data has been extracted by the reported incident date. Downgraded incidents may not be included in the figures below.

YEAR OF INCIDENT	NUMBER OF INCIDENTS
2013	2
2014	0
2015	3
2016	4
2017	2
2018	3

- Please note that due to the small numbers, a further breakdown by date could make the information patient identifiable therefore this breakdown has not been included and Section 40 has been applied.
- The information from the former North Essex Partnership Trust prior to March 2017 cannot be verified due to different reporting systems in place prior to merger.

Applied Exemption:

Exemption: Section 40: Personal information

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if—
 - (a) it constitutes personal data which do not fall within subsection (1), and
 - (b) either the first or the second condition below is satisfied.
- (3) The first condition is—
 - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 2018, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
 - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 2018 (which relate to manual data held by public authorities) were disregarded.
- (4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).
- (5) The duty to confirm or deny—
 - (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
 - (b) does not arise in relation to other information if or to the extent that either—
 - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data

- Protection Act 2018 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
- (ii) by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(a) of that Act (data subject’s right to be informed whether personal data being processed).
- (6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 2018 shall be disregarded.
- (7) In this section— “the data protection principles” means the principles set out in Part I of Schedule 1 to the Data Protection Act 2018, as read subject to Part II of that Schedule and section 27(1) of that Act;
- “data subject” has the same meaning as in section 1(1) of that Act;
 - “personal data” has the same meaning as in section 1(1) of that Act.

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT’s Publication Scheme is located on its Website at the following link <https://eput.nhs.uk/publication-category/financial-statements-budgets-and-variance-reports/>