

## Freedom of Information Request

Reference Number: EPUT.FOI.21.2085

Date Received: 30 June 2021

### Information Requested:

#### FOI: Associate Hospital Manager appointment and equality and diversity data request

I previously made a similar request to that outlined below, in 2018/19. This is a request for updated statistical information to be released, according to the revised data categories used by NHS digital.

1. The equality and diversity (E&D) data you hold on those persons currently appointed by Essex Partnership University NHS Foundation Trust to exercise the hospital managers' discharge power contained in s.23 of the Mental Health Act 1983. The post to which these individuals are appointed is generally referred to as that of 'Associate Hospital Manager' (AHMs) or 'Hospital Manager', although other titles exist.

Please note that ethnicity data has not been provided as the Trust believes this is potentially person identifiable. This information has therefore been withheld under Section 40 (Person Information) of the Act

Gender	Headcount
Male	12
Female	19
Disabled?	
No	10
Not Declared	21
Ethnic Group	
BME	2
White	22
Not Stated	7
Sexual Orientation	
Heterosexual or Straight	14
Not Stated	17
Age Band	
51-55	2
56-60	1
61-65	2
66-70	8
>=71 Years	18
Religious Belief	
Christianity	13
Not Stated	18

2. If applicable, please separate the data for the Chair and Non-Executive Directors who exercise the s.23 power, and any other persons appointed specifically to exercise the power AHMs).

The Trust is unable to provide this information. This is because the Trust has only 1 NED who can exercise the s.23 power and the Trust believes that providing personal information such as religion and sexual orientation could be personally identifiable put together with other information. The Trust considers that this is exempt under Section 40 (Personal Information) of the Act

3. The total number of people currently appointed by the Trust as AHMs  
31

As an indication of the type of data which I anticipate is contained within the dataset, I have listed the equality and diversity categories and sub-divisions used by NHS Digital to present equality and diversity statistical information about the NHS workforce below. Some of the categories of data gathered have changed since my last request was made. I appreciate that some categories of data are 'special category data'. Although E&D data is purely numerical, if the dataset is small I understand that there may be concerns around identification of individuals within the dataset in relation to these categories. If this data is withheld for this reason, I would be grateful if you could note this in the response.

If the Trust uses different categories to those employed by NHS Digital, please supply the data according to the categories used within the Trust along with the policy for gathering these statistics.

I would prefer the information to be in an electronic, re-usable format. Please also confirm that any datasets provided in response to this request are made available under an Open Government License v3.0, and can be used in relation to research publications.

## APPENDIX 1

### NHS Digital Equality and Diversity Dataset Categories

- Gender of AHMs in post
  - Male
  - Female
  - Not disclosed
  - Transgender
- Disability status of AHMs in post
  - Disabled
  - Not disabled
  - Not disclosed
- Ethnicity of AHMs in post
  - BAME
  - White
  - Not disclosed
- Sexual orientation of AHMs in post
  - LGB+
  - Heterosexual
  - Not disclosed
- Marital status of AHMs in post

- I am not requesting marital status data.
- Age band of AHMs in post
  - <= 24
  - 25 to 34
  - 35 to 44
  - 45 to 54
  - 55 to 64
  - >=65
  - Not shared
- Religious beliefs of AHMs in post
  - Atheism
  - Buddhism
  - Christianity
  - Hinduism
  - Islam
  - Judaism
  - Sikhism
  - Other
  - Not disclosed

I am not requesting marital status data.

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#### Applied 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.
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#### **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>