

## Freedom of Information Request

**Reference Number:** EPUT.FOI.23.3060  
**Date Received:** 24<sup>th</sup> of July 2023

### Information Requested

1. The number of deaths of in-patients in mental health facilities in the Trust in each year: 2018, 2019, 2020, 2021, 2022, and 2023 to end.

Please break down by:

- a. Those detained under the Mental Health Act at the time,
- b. Those who were voluntary in-patients at the time,
- c. whether the deaths occurred on the premises or while the patient was AWOL or on leave.

Please note that the trust's policy is not to provide patient or staff numbers, where the response is less than or equal to five ( $\leq 5$ ) as it would potentially allow identification of the individual patient/staff and would therefore be personal data. The trust considers that release of that information would breach GDPR/DPA18 principles on the grounds that it would not be fair in all the circumstances. This information is therefore exempt under section 40 of the FOI Act 2000. For the period 2018-2022. The Trust believes that this information is publicly available on the website and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means) <https://eput.nhs.uk/media/p3dncqrt/eput-foi-23-2849-response.pdf> and for 2023 onwards:

A –  $\leq 5$

B – 0

C – On Premises

2. The number of times seclusions were used in each in-patient mental health facility, each year: 2018, 2019, 2020, 2021, 2022, and 2023

Please note that the trust's policy is not to provide patient or staff numbers, where the response is less than or equal to five ( $\leq 5$ ) as it would potentially allow identification of the individual patient/staff and would therefore be personal data. The Trust considers that release of that information would breach GDPR/DPA18 principles on the grounds that it would not be fair in all the circumstances. This information is therefore exempt under section 40 of the FOI Act 2000. Seclusion is used only when clinically necessary and driven by patient safety. Our nursing and medical teams will work with any patients requiring seclusion to support them through therapeutic care so that they can return to the ward environment/be discharged as soon as possible

	2018	2019	2020	2021	2022	2023	Total
Basildon Mental Health Unit (MHU)	34	23	31	16	17	14	135
Brockfield House, Wickford	23	22	10	15	16	15	101
Clifton Lodge, Westcliff	0	$\leq 5$	0	0	0	0	$\leq 5$

Derwent Centre	≤5	≤5	9	13	29	22	76
Heath Close, Billericay	6	7	14	9	≤5	0	37
Luton and Central Bedfordshire Mental Health Unit	8	≤5	≤5	≤5	0	0	15
Rochford Hospital	13	17	10	21	8	17	86
The Crystal Centre	0	0	0	≤5	≤5	0	7
The King's Wood Centre	17	8	21	17	12	8	83
The Lakes	36	20	30	31	19	≤5	141
The Landermere Centre	0	≤5	0	0	0	0	≤5
The Linden Centre	17	30	51	63	45	20	226
The St Aubyn Centre	54	19	106	45	36	41	301
Wood Lea Clinic	≤5	0	0	0	0	0	≤5
Total	210	155	286	235	187	142	1215

3. The number of Serious Incident reports created about in-patients at mental health facilities, each year 2018, 2019, 2020, 2021, 2022, and 2023 to end of June.

The Trust is an early adopter of the new NHS Patient Safety Incident Response Framework (PSIRF) which replaces the Serious Incident Framework. The Trust implemented PSIRF on 1st May 2021 and therefore figures provided between January and April 2021 will refer to Serious Incidents and May 2021 onward will refer to Patient Safety Incidents. Please note that the thresholds for patient safety review and investigation is different under PSIRF. Under PSIRF, the Trust will review patient safety incidents and where there is potential for new and significant learning to be generated from conducting a review or investigation, a report will be commissioned.

For the period 2018-2022. The Trust believes that this information is publicly available on the website and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means)

<https://eput.nhs.uk/media/p3dncqrt/eput-foi-23-2849-response.pdf> and for 2023 onwards:

11 reports have been commissioned. These include the following incident types:  
Abscond, Death, Self-Harm & Slips/Trips/Falls

4. The number of (below) employed/ used by the Trust in the month of June, for each year 2018, 2019, 2020, 2021, 2022, and 2023.

Bank and agency staff are used to meet the fluctuating patient and staffing needs caused by increased patient demand/acuity, vacancies and staff absence. We've successfully recruited over 230 international nurses and allied health professionals over the last two years and our other successful recruitment campaigns, including a programme designed to encourage nurses and other health professionals to move from bank and agency work to join the Trust's permanent work force, have resulted in over 400 nurses and allied health professionals joining over the last two years.

	June 2018	June 2019	June 2020	June 2021	June 2022	June 2023
Staff	284	273	289	294	278	338

mental health nurses						
Bank mental health nurses (Used headcount)	182	157	171	293	278	341
Agency mental health nurses (Used Headcount)	64	47	41	79	107	93
Staff health care assistants	340	343	343	363	379	431
Bank health care assistants (Used Headcount)	625	792	662	1125	752	965
Agency health care assistants (Used Headcount)	99	103	39	206	385	267

5. The number of Occupational Therapists employed by the Trust as at 1 June of each year: 2018, 2019, 2020, 2021, 2022, and 2023.

	Jun-18	Jun-19	Jun-20	Jun-21	Jun-22	Jun-23
Occupational Therapists	124	113	117	123	129	134

6. From 1 January 2023 to 30 June 2023, on how many days did you have
- 0 in-patient mental health beds available  
4 days
  - 10 or fewer in-patient mental health beds available  
73 days
  - 20 or fewer in-patient mental health beds available  
31 days

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.

Section 21: Information accessible to applicant by other means.

- Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- For the purposes of subsection (1)—
  - information may be reasonably accessible to the applicant even though it is accessible only on payment, and
  - information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.
- For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority’s publication scheme and any payment required is specified in, or determined in accordance with, the scheme.
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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>