

Freedom of Information Request

Reference Number: EPUT.FOI.22.2495
Date Received: 11.05.2022

Information Requested:

1. Has the number of section 49 requests received by your Trust increased over the last 5 years – if you keep a record of this information please can you include this.
The Trust does not keep a central record of these requests and is therefore unable to provide a copy of this. To extract this information would require a manual trawl of records which would exceed the time and cost limits, as set out in the Act. The Trust is therefore applying Section 12 of the Act (where cost of compliance exceeds appropriate limit). However, based on staff recollection these have seen increases in numbers.
 2. How is this report allocated within your Trust and does this vary if: a) the person is known to a clinical team or b) the person has not had any previous contact with the Trust.
The report is allocated to the consultant psychiatrist if the patient is known to the services but is not under the consultant case load. The most appropriate consultant is then asked to complete the S49 report.
 3. Is it always Consultant Psychiatrists or psychologist that completes the section 49 report or do other professional groups?
It is mainly the consultant psychologist/psychiatrist that completes the S49 report.
 4. Does the report writer complete this as part of their contractual arrangements with the NHS Trust?
The writing of the report is not part of any specific employee's contractual arrangements with the Trust.
 5. Does the report writer receive a payment for completing the section 49 report- if so, how much is the payment?
No
 6. Does the completion of section 49 reports present a problem to your Trust in terms of workload pressures and capacity?
Yes
 7. Have you had to agree to pay an independent expert to complete the section 49 report? If so can you give an indication of the cost?
No.
 8. Have you considered any other solutions to assist your Trust in complying with the request for a section 49 report i.e. expert witness training for those with appropriate clinical experience to undertake the report, payment of a fee etc.
No
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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>

Section 12 (Exemption where cost of compliance exceeds appropriate limit):

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
- (3) In subsections (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.
- (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
 - (a) by one person, or
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.
- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated