

Freedom of Information Request

Reference Number: EPUT.FOI.23.2823 (001)
Date Received: 17th of February 2023

Information Requested:

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Essex Partnership University NHS Foundation Trust's handling of my FOI request 'How does a patient make Eput aware of their Treatment Team choice?'

My question of 22/01/2023 as advised to be re-made by the ICO was "How does the patient make Eput aware of their Treatment Team choice?"

In my view, it's not vexatious just trying to obtain information, which I so far I have not been able to obtain from Eput (complaints or FOI) and it affects patient treatment not just my own.

1, Do you believe Eput foi has provided the information to this request?

I was just trying to find out the answer to this question above.

As it affects NHS patients who want to choose their team at Eput not just myself.

2, Would it not have been easier to answer this FOI question rather than Eput prepare this elaborate response that does not provide any answer to the request made?

As yet I have not had an answer to this question from Eput complaints either and nearly 2 years have passed.

I have dyslexia and comprehension difficulties which can lead to me not using the most appropriately worded questions at times to Eput.

I have made Eput aware of this.

I have had to unfortunately learn NHS terminology e.g. commissioning body, provider, routine treatment, etc. This has added to communication difficulties with the NHS.

I have asked Eput to communicate with me before responding this has never happened with FOI if there was "ambiguity" to be resolved.

Also, the time period between correspondence with Eput does not help. For example, 1.5 years to get a complaint response and that response did not address this foi Choice request at all.

The above has led to FOI sometimes not always being worded well and having to be remade, sorry for these issues.

But Eput foi has often provided information not relevant to requests made as well, so I have needed to reword the requests. eg Choice is a "clinical decision", but this is not the question I asked.

3, I made Eput complaints aware lack of answers a few months back but do not know if complaints will be providing an answer or not at present?

Eput foi and complaints appear to be communicating with each other from what you have stated but not communicating relevant answers to me.

Therefore the reason for asking this FOI as it affects patient treatment as other channels at Eput have not provided answers so far and the ICO advised should put in a new foi request.

Would it not have been easier to answer this FOI question rather than Eput prepare this elaborate response that does not provide an answer?

A full history of my FOI request and all correspondence is available on the Internet at this address:

https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fhow_does_a_patient_make_eput_awa&data=05%7C01%7CEpunft.FO%40nhs.net%7C880d8788fca437dcbbd08db10df34c7%7C37c354b285b047f5b22207b48d774ee3%7C0%7C0%7C638122323068094345%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=XXkafBmAVUxGyrhzek9SPZNVbteBe%2Ffx82%2FMlKf1%2F410I%3D&reserved=0

Response:

The request for an internal review has been reviewed and we can confirm that the Trust has reviewed his request for an internal review and his request is still refused under S14.

Your request for information is refused under section 14(1) of Freedom of Information Act 2000. EPUT recognises that there is a high threshold for refusal of information under section 14(1). However having considered all the circumstances EPUT considers that responding to your request is disproportionate and unjustified.

The Information Commissioner's Guidance ("ICO Guidance") on "Dealing with vexatious requests" explains that dealing with unreasonable requests can place a strain on the resources of a public authority and get in the way of delivering mainstream services or answering legitimate requests. The ICO Guidance sets out four broad themes in identifying potentially vexatious requests, as identified by the Upper Tribunal, one of which is the burden placed on the public authority and its staff in responding to the request. The Code of Practice issued under section 45 of the Freedom of Information Act 2000 states that public authorities should "note that the public interest in obtaining the material does not act as a 'trump card', overriding the vexatious elements of the request requiring the public authority to respond to the request".

This point has also been reiterated by the Upper Tribunal and First-Tier Tribunal. Please see [The Information Commissioner's Decision Notice Nos: FS50835684](#)

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>