

**Information Governance**

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7 October 2021

**Our reference: FOI DA3870a**

I am responding to your requests for information received 5 August 2021. I am sorry for the delay in responding to your request. This has been treated as a request under the Freedom of Information Act 2000.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,



Keshia Harvey  
Information Governance Manager

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113  
Web: [www.ico.org.uk](http://www.ico.org.uk)

**Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention**

Chair: Mark Lam

Chief Executive: Paul Calaminus

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*We respect*

*We are inclusive*

**Request:**

Thank you for your email responding to my colleague, and attached letter explaining the Trust's consideration of the requests. As I understand it, if we could refine the request to bring it within the 18-hour time limit, the Trust would be happy to fulfil the request.

If I have understood correctly, you have suggested responding to Request 1, Request 2 and Request 3 (Qs 1-6) would be possible within the timeframe. The addition of R3 Q7 takes this over the limit.

I would be happy to omit R3 Q7 from the request.

In relation to R3 Qs 1-6, if the data breaking down by, e.g. type of section, is not readily available, I would be happy to receive only the top level data for each of the three years requested.

**Request 1:**

**FOI: Covid-19 Policy in relation to Associate Hospital Managers Hearings**

Dear sir or madam,

I am writing to request that you provide me with any policy documents or related materials concerning the organisation and running of Associate Hospital Managers Hearings under s.23 of the Mental Health Act 1983 which have been adjusted or created during the course of the on-going Covid-19 pandemic. This might include, for example, policy changes on moves to remote hearings and in relation to so-called 'paper' hearings, and policies on facilitating the engagement of patients, Nearest Relatives and others with remote modes of conducting hearings.

Answer: Section 1(1) of the Freedom of Information Act 2000 states:

*Any person making a request for information to a public authority is entitled—*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him.*

No policy documents have been adjusted or created during the course of the on-going Covid-19 pandemic. The Trust does not hold the information requested and it is therefore not disclosable.

**Request 2:**

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

**Question 1.** The equality and diversity (E&D) data you hold on those persons currently appointed by East London 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.

Answer: Please see tables below:

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<b>Gender</b>	<b>Total</b>
Female	<b>17</b>
Male	<b>12</b>
<b>Grand Total</b>	<b>29</b>

<b>Ethnicity</b>	<b>Total</b>
Asian	4
Black	9
Mixed	1
Not Declared	1
White	14
<b>Grand Total</b>	<b>29</b>

<b>Employee Disability Description</b>	<b>Total</b>
No	16
Not Declared	11
Yes	2
<b>Grand Total</b>	<b>29</b>

<b>Age Band</b>	<b>Total</b>
31-35	1
36-40	1
41-45	2
46-50	1
51-55	4
56-60	1
61-65	4
66-70	7
>=71 Years	8
<b>Grand Total</b>	<b>29</b>

**Question 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).

Answer: Not applicable.

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

Answer: 29

**Question 1.** Number of hearings scheduled in each year

Answer: Please see table below:

2018/19	314
2019/20	283
2020/21	284

**Question 2. Number of discharges in each year**

Answer: Please see table below

2018/19	4 x detentions, 2 x CTOs
2019/20	1 x detention, 1 x CTO
2020/21	0

**Question 3. Number of times a hearing was refused because of the proximity of an MHT in each year**

Answer: There have been zero hearings refused because of the proximity of an MHT in each year.

**Question 4. Number of hearings cancelled before the hearing took place in each year (i.e. not broken down by reason)**

Answer: Please see table below

2018/19	50
2019/20	66
2020/21	84

**Question 5. Number of hearings held in each year**

Answer: Please see table below

2018/19	249
2019/20	215
2020/21	146

**Question 6. Number of adjournments in each year**

Answer: Section 1(1) of the Freedom of Information Act 2000 states:

*Any person making a request for information to a public authority is entitled—*

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

East London NHS Foundation Trust does not hold the information requested and it is therefore not disclosable.

**Original Request**  
**Request 1:**

**FOI: Covid-19 Policy in relation to Associate Hospital Managers Hearings**

Dear sir or madam,

I am writing to request that you provide me with any policy documents or related materials concerning the organisation and running of Associate Hospital Managers Hearings under s.23 of the Mental Health Act 1983 which have been adjusted or created during the course of the on-going Covid-19 pandemic. This might include, for example, policy changes on moves to remote hearings and in relation to so-called 'paper' hearings, and policies on facilitating the engagement of patients, Nearest Relatives and others with remote modes of conducting hearings.

**Request 2:**

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

**Question 1.** The equality and diversity (E&D) data you hold on those persons currently appointed by East London 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.

**Question 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).

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

**Request 3:**

**FOI: Associate Hospital Manager hearing statistics**

Dear sir or madam,

I am writing to make a Freedom of Information Act request that you provide me with the data held by East London NHS Foundation Trust in relation to hearings convened under the s.23 discharge power contained in the Mental Health Act 1983 (s.23 MHA 1983). These hearings are generally referred to as Hospital Managers' Hearings, Associate Hospital Managers' Hearings, or Hospital Managers' Panels.

A similar request DA2889 to that outlined below was made in 2018/19, and in most cases produced data up to the year 2017/18. This is a request for updated statistical information to be released taking in the years 2018/19, 2019/20, and 2020/21 (running April to March for each year).

If data is held at both a hospital level and the same data is also centrally aggregated within the Trust, then I would only like access to the central dataset.

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Information included in such a dataset(s) might include, but may not be limited to:

- Question 1.** Number of hearings scheduled, which may include a breakdown by type of hearing (e.g. divided by type of section (section 2, 3 etc.), and/or type of hearing (e.g. s.20 renewal, s.25 barring order)).
- Question 2.** Number of discharges, perhaps broken down by type of section/ hearing.
- Question 3.** Number of times a hearing request was refused because of the proximity of a Mental Health Tribunal hearing (38.13 MHA 1983 Code of Practice, 2015)
- Question 4.** Number of hearings cancelled before the hearing took place, with reasons (e.g. Responsible Clinician discharged patient, Tribunal discharged patient)
- Question 5.** Number of hearings held, perhaps broken down by type of section/ hearing (e.g. paper hearing).
- Question 6.** Number of adjournments, perhaps broken down by type of section/ hearing.

Answer: The Trust has reviewed request 1, request 2 and questions 1-6 of your third request for information under the Freedom of Information Act 2000 and confirm that we would be able to respond to these questions within the timeframe.

**Question 7.** Attendees at the hearing. For example, the number of times a patient attended, or was accompanied by their legal represented, or their Nearest Relative.

Answer: The Trust has reviewed question 7 of your request for information under the Freedom of Information Act 2000. In order to collate this information, staff would have to identify and inspect each record regarding attendees at hearings as this is not recorded separately.

Therefore, the Trust is unable to comply with this particular part of your request as the cost of compliance and extracting your exact requirements would exceed the appropriate cost limit of £450 which is specified in Section 12 of the Freedom of Information Act 2000. This is based on a rate of £25 per hour, regardless of the rate of pay of any individual involved in the retrieval of requested information, and equates to 18 hours work.