

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 June 2023

Public Authority: Sussex Partnership NHS Foundation Trust

Address: Swandean
Arundel Road
Worthing
West Sussex
BN13 3EP

Decision (including any steps ordered)

1. The complainant requested information relating to the assessment criteria of how Sussex Partnership NHS Foundation Trust (the Trust) qualifies external companies as suitable for promotion and affiliation. By the date of this notice the Trust had not issued a substantive response to this request.
2. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation.
 - The Trust must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Trust must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 20 February 2023, the complainant wrote to the Trust and requested information in the following terms:

"In reference to the external LGBTQ+ agencies that SPNFT, affiliates and subsidiaries publish in their private (i.e. sussexcamhs.nhs.uk, brightonandhovewellbeing.org etc) and public (i.e. YouTube, Instagram etc) web services.

Could SPNFT provide the assessment method, criteria and ongoing milestone timings that SPNFT use to derive the agencies published on these private and public web services." (sic)

6. The Trust requested clarification as to what recorded information the complainant was seeking on 27 February 2023. It asked the complainant to confirm what data was required, as well as the agencies that were being referred to.

7. The complainant clarified their request sufficiently on 2 March 2023, in which they stated:

"Sussex Partnership NHS Foundation Trust, affiliates and subsidiaries promote a variety of external agencies for child and young adult consumption focused on LGBTQ+ topics. I have sourced a number of examples for the purposes of this clarification below, this list is not a complete list.

I am looking for the data that outlines the process, comprising:

- Criteria: Vision, values and professional Paediatric standards that Sussex Partnership NHS Foundation Trust use to qualify the suitability of an agency for promotion by Sussex Partnership NHS Foundation Trust.
- Service Specification: the definition of the service, the personal accreditations and qualifications required and limitations of the service to be delivered by the external agency.
- Governance and Monitoring: the process applied by Sussex Partnership NHS Foundation Trust on the monitoring of the operation of the service to be delivered by the external agency.
- Timescales: Frequency of review and renewal of the service delivered by the external agency

Examples of agencies published by Sussex Partnership NHS Foundation Trust:

(Also published on

Youtube <https://www.youtube.com/@ourmentalhealth...>)

- Allsorts Youth Group
- Breakout Youth
- Mind Out

- YMCA Youth Advice Centre (Mon-Fri 3pm-6pm)
- Allsorts Youth Project
- YMCA YAC Talk it Over
- YMCA YAC Housing Advice
- YMCA WISE
- YMCA DownsLink Group
- Anna Freud National Centre for Children and Families
- Young Minds
- Reading Well

- Mermaids UK
- MindOut (LGBTQ+ Mental Health Charity)
- Switchboard (LGBTQ+ Charity and Helpline)
- The Clare Project (Trans Mental Health Charity)
- Gendered Intelligence: Knowledge is Power (sic)"

8. The Trust wrote to the complainant on 13 March 2023 to state that they were still unsure as to what information had been requested.

Reasons for decision

9. Section 1(1) of FOIA states that:

"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."

10. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".

11. On 11 May 2023 the Commissioner wrote to the Trust, reminding it of its responsibilities and confirming that the request had been sufficiently clarified by the complainant.
12. The Commissioner required the Trust to provide a substantive response to the complainant's request within 10 working days.
13. Despite this intervention the Trust has failed to respond to the complainant.
14. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Trust has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Catherine Fletcher
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF