

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 13 March 2024

**Public Authority:** Kent Community Health NHS Foundation Trust  
**Address:** The Oast, Unit D  
Hermitage Lane, Barming  
Maidston  
Kent ME16 9NT

#### Decision (including any steps ordered)

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1. The Commissioner's decision is that Kent Community Health NHS Foundation Trust ('the Trust') has satisfactorily addressed the complainant's request for outcomes of particular autism assessments and has complied with section 1(1) of FOIA.
2. It's not necessary for the Trust to take any corrective steps.

#### Request and response

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3. The complainant submitted the following information request to the Trust on 28 June 2023:

"Please could you provide the recent report on Psicon's 'male vs female diagnosis outcomes' (with any personal information suitably anonymised) for their autism assessments done on behalf of the NHS. This may have already been supplied to the ICB's Learning Disability and Autism Department, but if not, Psicon have indicated they will co-operate with any FOI requests from you.

Likewise, please could you also ask Sinclair-Strong for their analysis of 'male vs female diagnosis outcomes' for their autism assessments done

on behalf of the NHS since the start of their contract.”

4. The Trust responded on 24 July 2023 – its reference FOI 113. It provided relevant information for both Psicon Ltd and Sinclair-Strong Consultants. The Psicon data was provided as percentages and the Sinclair-Strong data as actual numbers and percentages.
5. The complainant requested an internal review on 31 July 2023. They raised a data protection concern and, in relation to FOIA, said they wanted Psicon Ltd to supply the “underlying numbers”, as Sinclair-Strong had done.
6. The Trust provided an internal review on 18 August 2023. It first addressed the data protection concern. Regarding the complainant’s query about the Psicon Ltd data, the Trust provided a revised response to the original request for this data. This took into account the need to remove certain data as a result of the data protection concern, and the request to provide the headcount behind the percentages for male vs female assessments.
7. The Trust said it was important to understand that Sinclair-Strong Consultants only carries out autism assessments for people with complex additional needs, so the number of cases referred to it will be much smaller than the number of cases referred to Psicon Ltd. The Trust explained that using percentages would therefore be the best way to standardise the data to make it comparable.
8. In a further internal review of 5 December 2023, the Trust confirmed that it had answered all parts of the request of 28 June 2023 and considered that this request was closed.
9. In their original complaint to the Commissioner on 18 January 2024, the complainant discusses the data protection concern, and their wider correspondence with the Trust; taking in Psicon Ltd documentation, policy documents and definitions Psicon Ltd used in information the complainant had received. The Commissioner understands that some of these matter relate to a separate request which the Trust handled under the reference FOI 235 and which the Commissioner has considered under reference IC-283053-K4L5.
10. In two further items of correspondence that they sent to the Commissioner dated 21 February 2024, the complainant detailed at length what they consider to be ‘Outstanding Items’ and ‘General Concerns’ associated with the complaints they’ve submitted to the Commissioner about the Trust’s handling of their requests, of which there are a number. The Commissioner has taken account of the complainant’s reference to the current request in those documents.

## Reasons for decision

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11. The focus of this decision notice is the Trust's response to the complainant's FOIA request; any data protection concerns won't be considered here. FOIA doesn't concern the accuracy or otherwise of information that a public authority discloses. This reasoning will consider solely whether the Trust has satisfactorily addressed the complainant's request of 28 June 2023.
12. Under section 1(1) of FOIA a public authority must (a) confirm to an applicant whether or not it holds the information they've requested and (b) communicate the information to the applicant if it's held and isn't exempt information.
13. In its submission to the Commissioner, the Trust confirmed that in its initial response to the request, for Sinclair-Strong Consultants it had provided a breakdown in figures and percentages for female vs male.
14. By comparison, for Psicon Ltd it had provided a percentage split only, for female vs male vs one other category.
15. In their request for an internal review, the complainant raised a data protection concern about the other category Psicon Ltd had used but didn't query the format in which the Trust had provided its response. However, the complainant did ask the Trust to provide corresponding figures to support the percentages shared for Psicon Ltd as part of the original response.
16. The Trust has confirmed that it issued a revised response to the request on 18 August 2023. Regarding the Psicon Ltd data, it removed the additional category of data that the complainant was concerned about and provided the additional figures requested.
17. The Trust noted that at no point had the complainant queried the format in which the Trust provided the information. It has acknowledged that the request referred to a "recent report" but has confirmed that no such report exists or was held by the Trust. The Trust says it provided the Psicon Ltd and Sinclair-Strong data as that's the only information it holds that's relevant to the request. The Commissioner notes that the complainant hasn't raised a concern to him about not having received a "report" specifically.
18. The Commissioner has considered the circumstances of this case – the scope of the complaint to him and the Trust's submission. His decision is that the Trust has satisfactorily addressed the request of 28 June 2023 and has complied with section 1(1) of FOIA.

## Right of appeal

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19. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Cressida Woodall**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**