

Freedom of Information Request

Reference Number: EPUT.FOI.17.48
Date Received: 05 May 2017

***Note to Applicant:** As of 1 April 2017, North Essex Partnership University NHS Foundation Trust (NEP) and South Essex Partnership University NHS Foundation Trust (SEPT) merged to form one new organisation known as Essex Partnership University NHS Foundation Trust (EPUT).

Information Requested:

Verita was commissioned in 2010 to do a report on four homicides committed by mental health patients under the care of North Essex Partnership Trust.

http://hundredfamilies.org/wp/wp-content/uploads/2013/12/REID_J_EEng_07.05.pdf

1. Please can you provide action plans that were written after each of these events in 2003, 2005, 2005, and 2006 inclusive?

Essex Partnership Trust attaches 3 action plans. In accordance with Section (40) of the FOIA some information has been redacted that might have allowed individuals to be identified.

Searches have been made to locate the requested action plan for the 2003 incident, however unfortunately so far it has not proved possible to locate this document. We will continue to look for this information and provide you with an update once all searches have been exhausted.

2. Also please supply action plan/action plans which came as a result of this completed report by Verita.

The Trust can confirm that searches have been made to locate this historical NEP information. Unfortunately to date it has not proved possible to locate this information. We will continue to look for this information and provide you with an update once all searches have been exhausted.

The Trust can confirm that it is unable to provide all of the information you have requested. This is because the Trust considers the staff names to be personal information which is exempt under Section 40 (Personal Information) of the Act:

Exemption: Section 40: Personal information

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if—

- (a) it constitutes personal data which do not fall within subsection (1), and
 - (b) either the first or the second condition below is satisfied.
- (3) The first condition is—
 - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
 - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.
- (4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).
- (5) The duty to confirm or deny—
 - (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
 - (b) does not arise in relation to other information if or to the extent that either—
 - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
 - (ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of

that Act (data subject's right to be informed whether personal data being processed).

- (6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.
- (7) In this section— “the data protection principles” means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;
 - “data subject” has the same meaning as in section 1(1) of that Act; “personal data” has the same meaning as in section 1(1) of that Act.

In addition Trust policy states that personal information will only be given for those staff with public facing roles:

- **Public Interest Roles** - those staff occupying positions of seniority with public profiles and responsibilities for major (policy) decisions and expenditure of public funds. (Freedom of Information Policy & Procedure: Section 3.3)

The Trust can however, according to the Act, be asked for the details (e.g. name, email address or telephone number) relating to staff with a public interest role as defined above. The Trust is able to provide this information, as attached.