

FOI1382 – concerning Audit Committee records, notes, papers for the last quarter to include decisions made in May, June & July 2016.

I can confirm that Southern Health NHS Foundation Trust holds the information you requested.

Thank you for your request for information dated 31 July 2016. I am sorry for the delay in responding to you. The Trust works hard to meet its statutory obligations on the timeliness of its Freedom of Information Act (FOIA) responses [and meets the 20-working day deadline in 98% of cases], but unfortunately we were not able to respond to your request within 20 working days.

You requested the following information from the Trust:

Please may I have Audit Committee records/ notes/papers for the last quarter aka to include decisions made in May, June & July 2016.

By way of advice and assistance, the Trust's Audit Assurance and Risk committee met twice during the period you are interested in, on 23 May and on 11 July. The Trust therefore does hold information you are interested in obtaining, and I enclose with this letter the papers from those two meetings.

Some of the information included within the papers is exempt from disclosure 'to the world' under the Freedom of Information Act 2000. Primarily, this covers:

- Information which relates to living individuals who may be identified or identifiable from the information, where the Trust has concluded that it would not be fair or lawful to disclose the information to you (this is exempt under s. 40(2) FOIA. In particular, there is some information about incidents which may leave the individual involved in the incident identifiable. Because this information typically relates to the individual's health, we have concluded it would not be fair to disclose it to the world under FOIA.
- Where disclosure would be likely to prejudice the Trust's commercial interests. Necessarily, there is some information in the audit committee which relates to the Trust's commercial activities and position, and frank discussions around these issues. It would be likely to prejudice the Trust's ability to transact business with third parties on the most favourable commercial terms if this information were released under FOIA. This engages the exemption in s. 43(2) FOIA. Section 43(2) is a 'qualified' exemption which means that the Trust has gone on to consider the public interest factors in favour of in disclosure, including transparency in terms of the Trust's financial position and activities, to inform public understanding around these issues. The Trust has weighed this against the public interest factors in favour of non-disclosure, including sustaining the Trust's ability to enter into transactions on the most attractive commercial terms, so as to ensure that the Trust is able to deliver best value-for-money for taxpayers. In light of the all the factors, the Trust has concluded that the public interest favours non-disclosure at the present time.

- A limited amount of information is exempt because its disclosure would affect the Trust's ability to provide safe and secure mental health services for all its patients and staff. This is primarily information about arson incidents and fire safety in the Trust's inpatient services. This information is exempt under s. 31(1)(f) (maintenance of security and good order in places where persons are lawfully detained) and s. 38 FOIA (prejudice to the health and safety of any person). These are qualified exemptions and the Trust has therefore considered the public interests in disclosure. The Trust has weighed these against the factors favouring non-disclosure and in particular the public interest in ensuring the safety of patients and staff/minimising risk in this area, and has concluded that the public interest favours non-disclosure at the present time.
- Some counter-fraud information is exempt from disclosure because its release would undermine and prejudice the Trust's counter-fraud activities. As you may be aware, fraud is thought to cost the NHS nationally up to £5.7 billion per annum (September 2015 figures). The Trust has a duty to ensure that it discharges its functions economically, efficiently and effectively and taking action against suspected fraud assists the Trust in achieving that obligation. Release of details ongoing counter-fraud activities would 'tip off' those intent on defrauding the NHS. This information is therefore exempt under s. 31(1)(a) and (b) FOIA (the prevention or detection of crime, and the apprehension or prosecution of offenders). Again, this is a qualified exemption. The Trust recognises there is an inherent public interest in disclosure inherent under FOIA and more particularly there is a public interest in demonstrating that the Trust is taking a robust and active stance against fraud. However, there is also an obvious public interest in ensuring that the Trust is able to continue to undertake effective counter-fraud measures, and the Trust has concluded that the public interest favours non-disclosure at the present time.