

By email:

John Merritt

[request-176459-d13b7f54@whatdotheyknow.com](mailto:request-176459-d13b7f54@whatdotheyknow.com)

|              |  |
|--------------|--|
| Date         | 12 December 2013   |
| Your Ref     |  |
| Our Ref      | FOI/2013/396R  |
| Enquiries to | Andrew Jackson   |
| Extension    | 58496  |
| Direct Line  | 01224 558496   |
| Email        | <a href="mailto:andrewj.jackson@nhs.net">andrewj.jackson@nhs.net</a> |

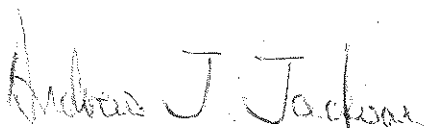
Dear Mr Merritt

**Request for Review of Decision under the Freedom of Information (Scotland) Act 2002**

1. I refer to your email dated 11 October 2013 to FOI NHSG (NHS Grampian) requesting a review of the response dated 10 October 2013 provided to you by Mr Chris Morrice, Information Governance Manager. I apologise for the delay in responding to your request.
2. Your original request by email dated 12 September 2013 requested the answers to twelve questions relating to the provisions and operation of the Mental Health (Scotland) Act 1984.
3. Mr Morrice's reply to your enquiry dated 10 October 2013 stated that NHS Grampian was unable to provide the information requested as it would require a manual search of every paper incident report and patient case notes. He pointed out that the information requested pre-dated NHS Grampian's IT systems and was held in a paper format only and that to provide the information would exceed the cost limits as set out in Section 12 of the Act – excessive cost of compliance.
4. Mr Morrice however did state that in relation to all questions regarding "family and friends", it would only have ever been next of kin who were notified and informed of the patient's treatment. He stated that a response to an earlier FOI this year which answered similar questions under the current Mental Health legislation was enclosed (although I understand this was in fact omitted). He also enclosed relevant policies for physical intervention namely (i) Management of Violence and Aggression within Grampian University Hospitals NHS Trust (ii) Guidelines for the Use of Physical Interventions (iii) Management of Violence and Aggression Policy and (iv) article on "Restraint and the 'least restrictive environment'? Legal and ethical issues in the management of aggression and violence in health care" by Brodie Paterson and Cheryl Tringham.
5. I have considered your request for review along with the relevant correspondence in this case and have to advise that I uphold your appeal in part. Additional information relating to your inquiries has now been provided and is set out in this letter and its three Appendices.

6. I have checked with the relevant departments and staff whether they would be able to produce the precise details you have requested. Unfortunately, given the manner in which information was stored and retained by NHS Grampian, it has proved genuinely impossible to provide the specific details in response to your requests pertaining to the years 1999, 2000 and 2001. However, with regard to questions 1-6 in your letter dated 12 September 2013, the responses in respect of similar questions for the years 2010, 2011 and 2012 are provided by answers 1-6 of the response issued by Mr Morrice in FOI/2013/334 dated 12 August 2013. A copy of that response from Mr Morrice to the enquirer should have been attached with Mr Morrice's letter to you of 10 October 2013 and I now enclose a copy for your information – Appendix 1.
7. I also enclose for your information a copy of an additional paper that has become available entitled "NHS Grampian Staff Guidance for Rapid Tranquilisation for use in the Adult Inpatient Setting" - Appendix 2 which relates to question 11 in your email dated 12 September 2013. I trust these additional documents will be of assistance to you and will help answer your queries. I also asked for further checks to be made to obtain answers to questions 7-10 since these are more general issues rather than statistics for any of the years 1999 – 2001 inclusive. The answers obtained are contained in Appendix 3 to this letter. Please accept my apologies for the time taken to respond to your queries.
8. I have copied this response to Mr Morrice for his information
9. Should you remain dissatisfied with this notice provided under Section 21(5) of the Freedom of Information (Scotland) Act 2002, please note that you may apply to the Scottish Information Commissioner within six months of receiving this letter for a decision as to whether your request for information has been dealt with in accordance with the provisions of Part 1 of the Act. His address is Kinburn Castle, Doubledykes Road, St Andrews, Fife KY16 9DS (Telephone 01334 464610). Should you wish to make such an approach and are dissatisfied with the Commissioner's decision, you may appeal on a point of law to the Court of Session, in terms of Section 56 of the Freedom of Information (Scotland) Act 2002.

Yours sincerely



**Andrew J Jackson**  
Legal Adviser

cc: Mr C Morrice, Information Governance Manager

Atts