

13th October 2022

Joan Corrigan
[Joan Corrigan request-891947-923f094e@whatdotheyknow.com]

Our ref.: FOI/22/356

Dear Ms Corrigan

RE: Freedom of Information (FOI) request – Targeted abuse of the learning disabled

We acknowledge receipt of your Freedom of Information request which was received by the Western Health and Social Care Trust on 30th August 2022. We apologise for the delay in responding. Please see below a Trust response to your request.

Your request

“Nigel Chambers from Dept of health, learning disabilities team, in relation to restricting the movement, freedom and day care/ respite services for the learning disabled in NI has stated:

1. Services "remain subject to infection prevention and control (IPC) guidance to minimise the risks associated with Covid-19 and respiratory illness."

Please outline why WHSCT have decided to focus on the learning disabled and not any other group of people within the WHSCT for imposing these restrictions?

He also stated;

2. "Trusts are currently identifying placement in day opportunities for this cohort of service users to ensure that they have a meaningful range of day activities aligned to their assessed needs."

**Outline exactly what WHSCT are doing to
"Identifying placement in day opportunities for this cohort of service users to ensure that they have a meaningful range of day activities aligned to their assessed needs."**

**3. Mr Chambers wrote:
Of the importance of**

"balanc(ing) Covid-19 risks with the wider risks to mental health and wellbeing associated with reduced community services. "

What exactly is the WHSCT doing to balance Covid-19 risks with the wider risks to mental health and wellbeing associated with reduced community services?"

4. WHSCT will be aware that the following laws are being breached by the immediate withdrawal of those in care homes from day care, with no wean off period, no substitute and no best interests meetings with families.

Human Rights act articles 3, 5, 8

UN CRPD article 19

Mental capacity act NI 2016

Social care reform act 2009

The Disability Discrimination (Northern Ireland) Order 2006

***what evidence exists of WHSCT justifying breaking all of these laws and *what evidence exists of its plans to rectify this and when?"**

Trust response

Regarding questions 1, 2 and 3, we can advise that this information has been provided to you in other FOI responses, our references FOI/22/284 and FOI/22/285. As we have provided this information previously, the Trust is applying an exemption under Section 21 the FOIA 2000:

Section 21 –Information accessible to applicant by other means Section 21(1) of the FOIA states: "Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information." Section 21 is an absolute exemption which means there is no requirement to carry out a public interest test if the requested information is exempt.

Regarding question 4, this is not a valid request for information as you start with the suggestion that the WHSCT is breaking multiple laws and asks for evidence of when and how this will be rectified. As previously stated, the Trust will not respond to general questions and any request must be for recorded information (information held on the Trust's information systems). The Trust will not respond to or acknowledge information requests or complaints, where previously the Trust has formally responded to you in providing a definitive response or outlined its position.

The Trust has informed you on a number of occasions of its position in responding to requests for information. Going forward the Trust will be reinforcing this position and will not respond to general questions and any request must be for recorded information (information held on the Trust's information systems). Where previously the Trust has formally responded to you in providing a definitive response or outlined its position, no further information will be provided. This includes requests for personal information of third parties, where the Trust has stated there is no evidence of your legal entitlement to this information.

We hope you find this response helpful.

Yours sincerely

(Not signed – issued by email)

**Freedom of Information Office
Western Health and Social Care Trust**

Freedom of Information: If you are dissatisfied as to how this request has been handled, you have the right to seek a review within the Trust in the first instance. You should write to the FOI Office, Lime Villa, Gransha Park, Clooney Road, Londonderry, BT47 6WJ (foi.request@westerntrust.hscni.net) within two months of the date of this response and your complaint will be considered and a response provided, usually within 20 working days of receipt.

If, after receiving a response, you remain dissatisfied, you can refer your complaint to the Information Commissioner at The Information Commissioner's office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. It is important to note that if you refer any matter to the Information Commissioner, you will need to show evidence of having gone through the Trust's internal review procedure to try to resolve the matter with the Trust in the first instance.