



22 November 2018



**Hertfordshire  
Partnership University**  
NHS Foundation Trust

Information Rights & Compliance Team  
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Our Ref: FOI 3073

Thank you for your request concerning Associate Hospital Manager Hearing Statistics.

Your request has been considered and processed in accordance with the requirements of the Freedom of Information (FOI) Act 2000.

**I am writing to make a Freedom of Information Act request that you provide me with the whole dataset or datasets held by Hertfordshire Partnership University NHS Foundation Trust in relation to hearings convened under the s.23 discharge power contained in the Mental Health Act 1983 (s.23 MHA 1983). These hearings are generally referred to as Hospital Managers' Hearings, Associate Hospital Managers' Hearings, or Hospital Managers' Panels from 2007 to 2017.**

**If data is held at both a hospital level and the same data is also centrally aggregated within the Trust, then I would only like access to the central dataset. If the individual hospital/ community team datasets contain more detail than the centrally aggregated datasets, then I would like access to both the hospital/community team and central data sets.**

**Information included in such a dataset(s) might include, but may not be limited to:**

- **Number of hearings scheduled, which may include a breakdown by type of hearing (e.g. divided by type of section (ss. 2, 3 etc.), and/or type of hearing (e.g. s.20 renewal, s.25 barring order)).**

Please see attached.

**PLEASE NOTE:**

1. *The data for 2007 to 2014 is not accurate. Under the FOIA the right of access is to the information which is held, not information which is accurate.*

*In 2013 we changed our Electronic Patient Recording system and the differences in the systems have resulted in migrated information being incorrect.*

2. *The NULL hearing date, in most cases, is due to the hearing being cancelled prior to hearing being set.*

*Under S16 of the Freedom of Information Act (FOIA) 2000 we have provided the information we hold. As stated above this information is not accurate; please be aware that to validate this data would invoke S12 - cost of compliance exceeds the appropriate limit.*

*All personal identifiable information has been removed under Exemption S40(2) of the FOIA<sup>1</sup>.*

<sup>1</sup> Section 40(2) - Personal Data has been applied. This is because by releasing this information could identify individual(s) and constitute a breach of the Data Protection Act (2018). On this basis, this information is exempt from the duty to publish.

- **Number of times a hearing request was refused because of the proximity of a Mental Health Tribunal hearing (38.13 MHA 1983 Code of Practice, 2015)**

We do not record this information.<sup>2</sup>

- **Number of hearings cancelled before the hearing took place, with reasons (e.g. Responsible Clinician discharged patient, Tribunal discharged patient)**

Please see attached.

We cannot provide the breakdown as requested<sup>2</sup>. We do not record reason the hearing was cancelled. We record whether a patient was discharged from section prior to hearing for MHAM hearings.

- **Number of hearings held, perhaps broken down by type of section/ hearing.**

Please see attached.

- **Number of adjournments, perhaps broken down by type of section/ hearing**

Please see attached.

- **Number of discharges, perhaps broken down by type of section/ hearing.**

Please see attached.

- **Attendees at the hearing. For example, the number of times a patient attended, or was accompanied by their legal represented, or their Nearest Relative.**

We do not record whether patients attend<sup>2</sup>. However we do record if Legal Representative and/or the Nearest Relative attend. Please see attached.

**Please also confirm that any datasets provided in response to this request are made available under an Open Government License v3.0.**

Please find enclosed an information sheet regarding copyright protection and the Trust's complaints procedure in the event that you are not satisfied with the response.

Should you require further clarification, please do not hesitate to contact me.

Yours sincerely

*Sue Smith*

**Sue Smith  
Information Rights Officer**

Enc: Copyright Protection and Complaints Procedure Information Leaflet.

If you would like to complete a short survey in relation to your Freedom of Information request please scan the QR code below or click [here](#).



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<sup>2</sup> Section 1(1) Any person making a request for information to a public authority is entitled (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have that information communicated to him.