

Information requested:

I kindly request access to all records of restraints that have occurred from 2019 until now.

Response:

We give notice under section 12 of FOSIA that the costs of this request exceeds the £600 maximum cost for a Freedom of Information (FOI) request and as such we are not obliged to provide the information.

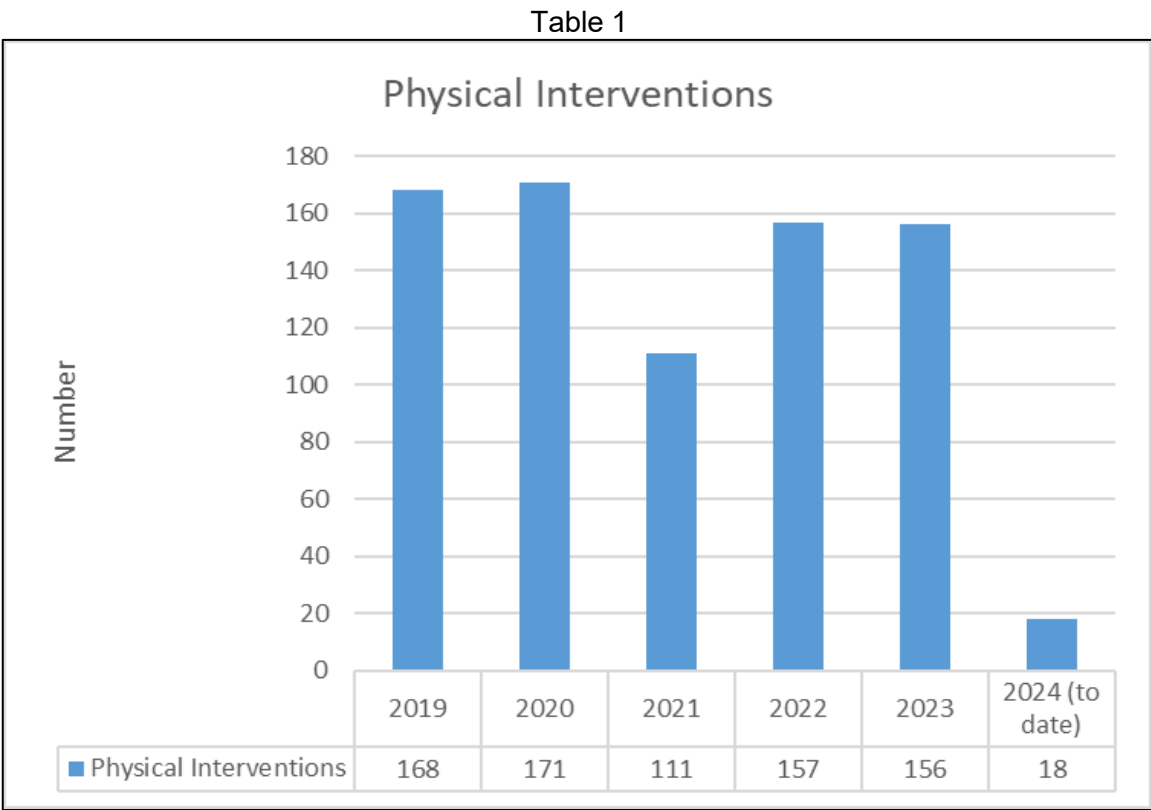
We located 781 records that were pertinent to the request and estimated that it will take between 5 and 15 minutes per record to review and prepare, depending on the complexity of the record.

We took an average of 10 minutes per record for our cost calculation as we felt this was a realistic reflection of the work required.

This means that it would cost £1,950 (781 records x 10 minutes = 130 hours @ £15 per hour = £1,950) to comply with this request.

Whilst we are unable to provide the information requested, we recognise that it is in the public interest for the State Hospital to be as open and transparent as possible when providing information and as such we have included some statistics and information about the records that we located.

Table 1 shows the number of physical interventions recorded from 2019 to present by calendar year.



Since 2019 we are required to record RIDDOR incidents, which are incidents that involve;

- The death of any person
- Specified Injuries
 - fractures, other than to fingers, thumbs and toes
 - amputations
 - any injury likely to lead to permanent loss of sight or reduction in sight
 - any crush injury to the head or torso causing damage to the brain or internal organs
 - serious burns (including scalding) which:
 - covers more than 10% of the body
 - causes significant damage to the eyes, respiratory system or other vital organs
 - any scalding requiring hospital treatment
 - any loss of consciousness caused by head injury or asphyxia
 - any other injury arising from working in an enclosed space which:
 - leads to hypothermia or heat-induced illness
 - requires resuscitation or admittance to hospital for more than 24 hours

In addition to our RIDDOR obligations we have a Duty of Candour to our patients and we record any incident that could cause significant harm, even if the incident does not meet the RIDDOR criteria.

In 2019, 2020, 2022, 2023 & 2024 to date, we had no RIDDOR incidents involving patients and no Duty of Candour incidents, which relate to patient physical interventions.

In 2021 we had a very small number (less than 5) of RIDDOR incidents involving patients and the same number of Duty of Candour incidents relating to physical interventions. We cannot be more specific because if we were to provide the exact number it is likely that we would disclose information relating to identifiable individuals.

Advice and Guidance

This request has a very wide scope as it seeks all the records of restraint for approximately five years and as such means that it can't be provided due to cost to the State Hospital.

If the scope of the request could be reduced so that it costs £600 or less, we should be able to provide some of the information.

A reduction in the scope could be achieved by reducing the number of years requested or by asking for key information rather than everything, or a combination of both.

Although reducing the scope of the request should mean we can provide some of the information, we would like to explain some of the constraints we have in providing information via FOI requests.

A response to a FOI request is a publication placed into the public domain. If we provide a response to one individual we must provide the same information to anyone who asks for it. We therefore publish almost all FOI response on our website.

The legislation contains exemptions from disclosure which we would need to consider applying because although the organisation may hold information, it does not always mean we will publish it.

In this case there are three exemptions that we would need to consider before releasing information;

1. Section 30 – Prejudice to the effective conduct of public affairs. This exemption applies when disclosing the information is likely to inhibit substantially;
 - The free and frank provision of advice
 - The free and frank exchange of views for the purposes of deliberation

- The effective conduct of public affairs

There may be parts of the records requested, that if released, would result in individuals refusing to provide their frank views in the future for fear that they would then be published.

In addition, there may be some information in these records that describes the exact methods or procedures we use within the organisation which if disclosed could be used to undermine the security arrangements at the State Hospital and hence the effective conduct of public affairs.

This is a qualified exemption that requires a public interest test to be undertaken before its application.

2. Section 35 – Law enforcement. This exemption has a number of components around its application. The specific sections that may apply to the records requested are the ‘maintenance of security and good order in prisons and in other institutions where persons are lawfully detained’ for the purposes of securing the health, safety and welfare of persons.

There may be some information in these records that describes the exact methods or procedures we use within the organisation that if disclosed could be used to undermine the security arrangements at the State Hospital, which in turn may jeopardise the security and good order of the hospital.

This is a qualified exemption that requires a public interest test to be undertaken before its application.

3. Section 38 – Personal Information. This exemption applies when it is possible to identify a living individual from the information provided. This could be by directly by naming them or indirectly when the released information is read in conjunction with other information already available.

It is likely that we would need to apply this exemption to protect the identity of patients, staff and third parties within the records.

The more information that is in the public domain relating to a restraint, the more likely it would be that we would need to use this exemption to prevent the identification of individuals.

This is an absolute exemption and does not require a public interest test to be undertaken before its application.

Whilst FOI requests are ‘applicant blind’ we can take in to account to the circumstances and identity of an applicant for the application of exemptions. For example, where an applicant is known to have additional information that could be used to re-identify individuals from the anonymised information we would provide, we will withhold the anonymised information. This is because we would have knowingly provided personal identifiable information, which is contrary to our obligations under privacy legislation.

We would ask that, after considering the above advice and guidance, you update your request so that it will cost less than £600.

We have a duty to provide FOI applicants with advice and assistance with their requests, if you would like to discuss your request and how best to obtain the information you are seeking, please get in touch with the FOI Team via our [email address](#).