

FOI 2675

15th October 2024

FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST

1. From the years 2019 - 2023 inclusive, could you please supply the number of litigation actions taken against the trust over concerns over quality of health AND social care by families or guardians of people with special or complex needs? Please supply an annual breakdown and whether the numbers refer to under 18s or adults.

Response:

Year	Number of claims	Plaintiff <u>under</u> 18 at time of claim	Plaintiff <u>over</u> 18 at time of claim
2019	5	<5	<5
2020	<5	<5	<5
2021	<5	0	<5
2022	5	<5	<5
2023	0	0	0

Note that the Trust has interpreted 'Litigation Action' as Clinical Negligence Civil claims brought against the Southern Trust - this included hypoxic birth injuries. Additionally, the Trust does not record the needs, complex or otherwise, of Plaintiffs unless it is explicitly pleaded in the cause of action.

The Trust has a legal duty to protect patient confidentiality and, in line with this duty, the figure <5 has been provided where figures are very low. This is because of the potential risk of identification of an individual. In reaching this decision the Trust has taken into account the small geographical area which the Trust serves and the sensitivity of the information requested. In addition the Trust has taken into account the fact that all information disclosed in response to an FOI is disclosed to the 'world at large' and is published on the Trust website.

S 40 (2) (third party information) of the Freedom of Information Act 2000 has been applied to exempt the redacted information from disclosure. The Trust does not consider the disclosure of the redacted information to be fair to the individuals concerned as there is the potential risk of identification of an individual(s) which they would not expect, and which would therefore breach the fairness element of the first principle of the Data Protection Act 2018.

- 2. From the years 2019 - 2023 inclusive, could you please supply the number of formal complaints made to the trust over concerns over quality of health AND social care by families or guardians of people with special or complex needs? Please supply an annual breakdown and whether the numbers refer to under 18s or adults.**

Response:

Unfortunately, we are unable to provide the information you have requested as this is not centrally recorded. The cost of locating and retrieving the information exceeds the "appropriate limit" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. It has been estimated that it would take more than 18 hours to locate and retrieve the requested information. In order to obtain this information and it would exceed the £450 limit and is therefore cost prohibitive.

Under section 12 of the Freedom of Information Act 2000, Public Authorities are not obliged to comply with an information request where to do so would exceed the cost limit.

- 3. Do you have a published framework which identifies which tasks count as nursing or health tasks in the trust? If so, what are those tasks and do you allow Direct Payment PAs to undertake them?**

Response:

There is currently no published generic Southern Trust framework which identifies which tasks count as nursing or health care tasks, as a decision regarding whether to delegate a nursing task remains with the relevant nurse having considered the safe and effective person-centred delegation of tasks and duties in line with the 'Decision Support Matrix' contained within the Northern Ireland Practice and Education Council (NIPEC) 'Deciding to Delegate: A Decision Support Framework for Nursing and Midwifery' (January 2019). The purpose of this Framework and accompanying Department of Health Circular is 'to address key issues in the process of delegation within the context of nursing/midwifery care services and the circular sets out that this framework should be used in all environments by nurses and midwives across all settings and across the wide and varied care and service settings in Northern Ireland.'

In operationalising this, the Southern Trust stance is that Direct Payments should only be used for social care tasks based on case precedent and legislative parameters in accordance with Directorate of Legal Services advice regarding interpretation of the Carers and Direct Payments (Northern Ireland) Act 2002 and the Health and Social Care (Reform) Act (Northern Ireland) 2009.

- 4. From the years 2019 - 2023 inclusive, how many houses in the trust were waiting for modifications to cater for a person with special or complex needs? Please can you supply an annual breakdown.**

Response:

Unfortunately, we are unable to provide the information you have requested as this is not centrally recorded. The cost of locating and retrieving the information exceeds the "appropriate limit" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. It has been estimated that it would take more than 18 hours to locate and retrieve the requested information. In order to obtain this information and it would exceed the £450 limit and is therefore cost prohibitive.

Under section 12 of the Freedom of Information Act 2000, Public Authorities are not obliged to comply with an information request where to do so would exceed the cost limit.

5. From the years 2019 - 2023 inclusive, how many people were waiting for Disabled Facilities Grant? Please can you supply an annual breakdown.

Response:

Unfortunately, we are unable to provide the information you have requested as this is not centrally recorded. The cost of locating and retrieving the information exceeds the "appropriate limit" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. It has been estimated that it would take more than 18 hours to locate and retrieve the requested information. In order to obtain this information and it would exceed the £450 limit and is therefore cost prohibitive.

Under section 12 of the Freedom of Information Act 2000, Public Authorities are not obliged to comply with an information request where to do so would exceed the cost limit.

6. From the years 2019 - 2023 inclusive, how many people with special or complex needs passed away within 24 months of transitioning into adult services? Please can you supply an annual breakdown.

Response:

The Trust can confirm that according to records available there have been less than 5 service users who died between the age of 18 – 20 years between 2019 – 2023.

The Trust has a legal duty to protect patient confidentiality and, in line with this duty, the figure <5 has been provided where figures are very low. This is because of the potential risk of identification of an individual. In reaching this decision the Trust has taken into account the small geographical area which the Trust serves and the sensitivity of the information requested. In addition the Trust has taken into account the fact that all information disclosed in response to an FOI is disclosed to the 'world at large' and is published on the Trust website.

S 40 (2) (third party information) of the Freedom of Information Act 2000 has been applied to exempt the redacted information from disclosure. The Trust does not consider the disclosure of the redacted information to be fair to the individuals concerned as there is the potential risk of identification of an individual(s) which they would not expect, and which would therefore breach the fairness element of the first principle of the Data Protection Act 2018.

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