



FOI REF: 22/226

31<sup>st</sup> May 2022

Tel: 0300 131 4500  
Website: [www.esht.nhs.uk](http://www.esht.nhs.uk)

## FREEDOM OF INFORMATION ACT

I am responding to your request for information under the Freedom of Information Act. The answers to your specific questions are as follows:

**I am writing to request, under the Freedom of Information Act, the number of people who died while waiting for elective care at your trust in 2021.**

Section 12(1) of the Act allows a public authority to refuse to comply with a request for information if the authority estimates that the cost of compliance would exceed the 'appropriate limit', as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations). These state that this cost limit is £450 for public authorities which are not part of central government or the armed forces. The costs are calculated at £25 per hour per person regardless of the rate of pay, which means that the limit will be exceeded if the work involved would exceed 18 hours. The Trust estimates that the cost of complying with this request would significantly exceed the above limit as a manual review of patient's medical notes would be required to establish if the patient died from the condition they were on the waiting list for, or from some unrelated condition. Our system only reports the removal of the patient from the waiting list as deceased and not for the reason why.

We may be able to support your request if you could perhaps elaborate on your question. When you say "the number of people who died while waiting for elective care", are you asking specifically for example, what is the number of patients who were referred in for treatment of condition A, and subsequently died of condition A? If this is the question you are asking, the aforementioned Section 12(1) would be applied. If however, you are asking if any patients died of any illness whilst waiting for any elective treatment, then we can look at answering this for you.

If I can be of any further assistance, please do not hesitate to contact me.

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Should you be dissatisfied with the Trust's response to your request, please write to the Freedom of Information Department ([esh-tr.foi@nhs.net](mailto:esh-tr.foi@nhs.net)), quoting the above reference.

Yours sincerely

Linda Thornhill (Mrs)  
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