

FOI REF: 23/182

14th April 2023

Tel: 0300 131 4500
Website: 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:

- **Whether any members of staff in the Eastbourne District General Hospital or the East Sussex Healthcare NHS Trust met with any Member of Parliament for a Sussex constituency or their staff in March 2023.**

Yes.

- **Whether any members of staff in the Eastbourne District General Hospital or the East Sussex Healthcare NHS Trust corresponded with any Member of Parliament for a Sussex constituency or their staff in March 2023.**

Yes.

- **For any such meetings or correspondence referenced in (1) or (2), which members of staff were part of any such communication.**

A meeting took place between MPs and Joe Chadwick-Bell, Chief Executive and Steve Phoenix, Trust Chair.

Written correspondence occurred between MPs' offices and Joe Chadwick-Bell's office.

- **For any such meetings or correspondence referenced in (1) or (2), which topics were covered in such communication.**

We are currently considering the public interest test in applying Section 36(2)(b)(ii) to this part of your request and estimate that this will be completed within 20 working days, i.e. by 16th May.

Cont.../

- **For any such meetings or correspondence referenced in (1) or (2), on which dates this occurred.**

Meeting between the Trust and MPs took place on 21st March 2023.

Email communications occurred on 9th, 21st and 23rd March.

- **For any such meetings or correspondence referenced in (1) or (2), who initiated any communication.**

Joe Chadwick-Bell and Steve Phoenix met as part of their scheduled quarterly meetings with MPs.

MPs initiated the written correspondence.

- **For any such meetings or correspondence referenced in (1) or (2), the full content of these communications.**

We are currently considering the public interest test in applying Section 36(2)(b)(ii) to this part of your request and estimate that this will be completed within 20 working days, i.e. by 16th May.

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

Should you be dissatisfied with the Trust's response to your request, you have the right to request an internal review. Please write to the Freedom of Information Department (esh-tr.foi@nhs.net), quoting the above reference, within 40 working days. The Trust is not obliged to accept an internal review after this date.

Should you still be dissatisfied with your FOI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: 0303 123 1113

Yours sincerely

Linda Thornhill (Mrs)
Corporate Governance Manager
esh-tr.foi@nhs.net



FOI REF: 23/182a

3rd May 2023

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:

- **Whether any members of staff in the Eastbourne District General Hospital or the East Sussex Healthcare NHS Trust met with any Member of Parliament for a Sussex constituency or their staff in March 2023.**

Yes.

- **Whether any members of staff in the Eastbourne District General Hospital or the East Sussex Healthcare NHS Trust corresponded with any Member of Parliament for a Sussex constituency or their staff in March 2023.**

Yes.

- **For any such meetings or correspondence referenced in (1) or (2), which members of staff were part of any such communication.**

A meeting took place between MPs and Joe Chadwick-Bell, Chief Executive and Steve Phoenix, Trust Chair.

Written correspondence occurred between MPs' offices and Joe Chadwick-Bell's office.

- **For any such meetings or correspondence referenced in (1) or (2), which topics were covered in such communication.**

Further to our response of 14th April 2023, taking the factors below into account, we have decided that on balance the public interest favours withholding the information requested and are applying Section 36(2)(b)(ii) to this part of your request.

Section 36(2)(b)(ii) of the FOI Act states that information is exempt from disclosure if, in the reasonable opinion of a qualified person disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation. It is the opinion of East Sussex Healthcare NHS Trust's (ESHT) qualified person, Joe Chadwick-Bell, that disclosing the information requested would be likely to inhibit the ability of staff from expressing themselves openly and fully, or from exploring options when expressing views as part of discussions with local Members of Parliament to make well informed decisions. If the participants in meetings knew that the topics of conversation might be publicly disclosed at a future point, they would be less likely to hold full and frank conversations which could impair the quality of decision making by the Trust.

We acknowledge the general public interest in disclosure of information and the need for public bodies to be open and transparent regarding their decisions. However, the matters described above would be likely to affect the internal working of ESHT and the ability of the Trust and MPs to hold open and frank conversations about potential future plans, Trust performance and other matters that may be considered confidential. This could therefore have a detrimental effect on the quality of our decisions and effectiveness. This would be contrary to the public interest. In order to be able to perform our duties effectively we must be able to hold free and frank discussions without concern that the detail of those discussions will be disclosed. Public authorities must be afforded a safe space within which to deliberate and discuss matters before making a decision. If this material were published, it would be likely to restrict the candour and frankness with which similar future discussions would be conducted, as individuals would be concerned about the possibility that those views and discussions would be made public. The result would be to reduce the quality of discussion provided in such cases and have an adverse impact on the ability of ESHT to carry out its functions, which is strongly against the public interest.

- **For any such meetings or correspondence referenced in (1) or (2), on which dates this occurred.**

Meeting between the Trust and MPs took place on 21st March 2023.

Email communications occurred on 9th, 21st and 23rd March.

- **For any such meetings or correspondence referenced in (1) or (2), who initiated any communication.**

Joe Chadwick-Bell and Steve Phoenix met as part of their scheduled quarterly meetings with MPs.

MPs initiated the written correspondence.

- **For any such meetings or correspondence referenced in (1) or (2), the full content of these communications.**

Further to our response of 14th April 2023, taking the factors below into account, we have decided that on balance the public interest favours withholding the information requested and are applying Section 36(2)(b)(ii) to this part of your request.

Section 36(2)(b)(ii) of the FOI Act states that information is exempt from disclosure if, in the reasonable opinion of a qualified person disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation. It is the opinion of East Sussex Healthcare NHS Trust's (ESHT) qualified person, Joe Chadwick-Bell, that disclosing the information requested would be likely to inhibit the ability of the Trust to provide advice and information to MPs when this is requested. The Trust needs to be able to answer queries in a frank and honest matter but does not always know why information has been requested. The knowledge that this advice might be publicly disclosed at a future point, could impair the Trust's ability to answer questions in full.

We acknowledge the general public interest in disclosure of information and the need for public bodies to be open and transparent regarding their decisions. However, the matters described above would be likely to affect the internal working of ESHT and the ability of the Trust and MPs to correspond on matters that may be confidential in nature and include personally identifiable information about constituents. This would be contrary to the public interest. In order to be able to perform our duties effectively we must be able to maintain free and frank correspondence with important stakeholders without concern that the detail of this correspondence will be disclosed. We must further be able to present information to aid those discussions. Public authorities must be afforded a safe space within which to deliberate and discuss matters before making a decision. If this material were published, it would be likely to restrict the candour and frankness with which similar future correspondence would be conducted, as individuals would be concerned about the possibility that views and discussions would be made public. The result would be to reduce the quality of correspondence provided in such cases and have an adverse impact on the ability of ESHT to carry out its functions, which is strongly against the public interest.

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

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