

FOI REF: 23/803a

27<sup>th</sup> December 2023

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:

**Schemes in the New Hospital Programme were asked to complete a template to test out Hospital 2.0 (a standardised hospital design) and NHP assumptions and associated costs. Trusts were asked to submit their results in August.**

**Could I please request:**

- 1) A copy of all templates submitted by the trust to the Department of Health and Social Care related to the above since August.**

Whilst the Trust holds the information requested, it is applying a Section 43(2) exemption in relation to this part of the request as the release of the information is likely to prejudice its commercial interests.

In applying the exemption consideration has been given to the public interest in enabling scrutiny of public sector decision making and the general public interest in accountability and transparency.

We have concluded that if potential suppliers know what the anticipated costs are, disclosure of cost information could then affect how suppliers bid for work from Department of Health and Social Care, as part of the New Hospital Programme, in the future.

In this instance, we consider that the public interest in withholding the information is greater than the public interest in disclosing the information.

Cont.../

**2) A copy of all covering emails sent by the trust for the above submissions.**

Please see the attached document and note that we have redacted names and email addresses of staff outside of East Sussex Healthcare NHS Trust.

We are also unable to provide contact details as we consider this information to be exempt from release, in accordance with section 44 of the Freedom of Information Act (Prohibition on disclosure) and would refer to the Privacy and Electronic Communications EC Directive Regulations 2003, which provide specific rules on electronic communication services, including marketing (by phone, fax, email or text) and keeping communications services secure. We will not provide any information that could result in the transmission of unsolicited communications which may place an unacceptable risk to our email network and could also have a detrimental impact on patient care and treatment.

The contact numbers for the main hospital are accessible on the Trust website <http://www.esht.nhs.uk>.

This is an absolute exemption and there is, therefore, no requirement to consider the public interest.

**3) All letters sent to the Department of Health and Social Care and/or the New Hospital Programme by the trust in relation to these submissions.**

We are applying sections 36(2)(b)(i), 36(2)(b)(ii) and 36(2)(c) exemptions to this request as we consider that the disclosure will inhibit the free and frank provision of advice or exchange of views within public authorities. Section 36 of the Act sets out a qualified exemption from the right where in the reasonable opinion of a qualified person such disclosure would prejudice the effective conduct of public affairs through:

- a) Inhibition or likely inhibition of the free and frank provision of advice or exchange of views for the purposes of deliberation.
- b) Any other prejudice, or likely prejudice, to the effective conduct of public affairs.

The Minister responsible for the Freedom of Information in the Department of Health has authorised the senior person in charge of the National Health Service bodies to act as 'Qualified Persons' and under Section 5 of the National Health Service Act 1977 this is the Chief Executive. Under the Section 36 exemption, the 'qualified person' for East Sussex Healthcare NHS Trust is the Chief Executive, Mrs Joanne Chadwick-Bell. Mrs Chadwick-Bell is of the view that the information should be withheld as she considers that it would, or would be likely to prejudice, the effective conduct of public affairs.

As required, we have applied the Public Interest Test and have found that the public interest in withholding the information is greater than the public interest in disclosing the information. We note that there is some public interest in the programme and therefore information has been placed on the Trust public website <https://www.esht.nhs.uk/about-us/strategy-and-future-plans/building-for-our-future/>.

In August 2023 the NHP approved the Trust's application for £4.7m of fees funding to support the development of business cases in 2023/24 for three enabling projects at Conquest hospital. If successfully approved, the business cases will secure over £65m of capital funding to construct two new build departments and a multi-storey car park. This information was provided to the East Sussex County Council Health and Overview Scrutiny Committee (HOSC) in September 2023.

<https://democracy.eastsussex.gov.uk/ieListDocuments.aspx?CId=154&MId=5560&Ver=4>

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](mailto: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](mailto:esh-tr.foi@nhs.net)

**MA, Katey (EAST SUSSEX HEALTHCARE NHS TRUST)**

---

**From:** ROSE, Tracey (EAST SUSSEX HEALTHCARE NHS TRUST)  
**Sent:** 21 August 2023 19:39  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** East Sussex Data Gathering Templates  
**Attachments:** East Sussex TCM covering letter 230821.pdf; NHP\_Data\_Gathering\_V1.5\_East Sussex Opt 1 & 2 MASTER 21082023.xlsb; NHP\_Data\_Gathering\_V1.5\_East Sussex Opt 3 MASTER 21082023.xlsb

Dear [REDACTED]  
Please find attached herewith the East Sussex Healthcare NHS Trusts' completed data gathering templates together with covering letter.

Please let me know if you require any further information.

I look forward to hearing from you regarding next steps.

*Regards  
Tracey*

*Tracey Rose  
Programme Director Building for our Future – Hospital Redevelopment  
East Sussex Healthcare NHS Trust  
Eastbourne District General Hospital, Kings Drive, Eastbourne, East Sussex BN21 2UD*

[REDACTED]  
[REDACTED]

