

FOI REF: 25/781

18th November 2025

Eastbourne District General Hospital

Kings Drive
Eastbourne
East Sussex
BN21 2UD

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:

- 1. I would like to request a copy of the external clinical review into maternity services which is mentioned in your board papers for this week.**
- 2. I would also like your action plan relating to this review.**
- 3. I would also request the external cultural review into maternity services, its recommendations, your action plan and any assessment of implementation of this. Again, this is mentioned in your board papers for this week.**

Section 17 Notice of Refusal

The information you have requested is exempt under Sections 30(2)(b), 36(2)(b)(i), 36(2)(b)(ii) and 41(1)(b).

Section 30(2)(b)

The information you have requested is exempt under Section 30(2)(b) of the Freedom of Information Act 2000.

This is because the information held by a public authority is exempt information if –

- (b) it relates to the obtaining of information from confidential sources.

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 providing the information requested could cause harm to the Trust. Information included within the investigation was provided on a confidential basis and disclosure could increase the risk that sensitive information would not be volunteered 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.

Sections 36(2)(b)(i) and 36(2)(b)(ii)

Sections 36(2)(b)(i) and 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-

- (i) the free and frank provision of advice, or
- (ii) the free and frank exchange of views for the purposes of deliberation.

It is the opinion of the 'qualified person' for East Sussex Healthcare NHS Trust (ESHT), Jayne Black, Chief Executive, that disclosing the information requested would be likely to inhibit staff from expressing themselves openly and fully if sensitive information was disclosed, they would be less likely to express those views and this could have a detrimental impact in relation to future discussions and investigations. This would be likely to impair the quality of future investigations undertaken by the Trust.

We acknowledge the general public interest in disclosure of information and the need for public bodies to be open and transparent. However, the matters described above would be likely to affect the internal working of ESHT and therefore 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 undertake confidential investigations without concern that the detail of those investigations will be disclosed unless it is appropriate to do so. 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 investigations would be conducted, as individuals would be concerned about the possibility that information provided on a confidential basis would be made public. The result would be to reduce the quality of investigations and have an adverse impact on the ability of ESHT to carry out its functions, which is strongly against the public interest.

Taking these factors into account, we have decided that on balance the public interest favours withholding the information requested.

Section 41(1)(b)

The information you have requested is exempt under Section 41(1)(b) of the Freedom of Information Act 2000. This is because the information would originally have been provided in confidence. Information is exempt information if –

- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

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

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

Freedom of Information Department
esh-tr.foi@nhs.net