

Date: 3 November 2021
Our reference: N/21/3380

Dear Requestor

RE: Freedom of Information Request

With reference to your request for information I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information that you have requested. A response to each part of your request is below.

In the request you asked:

This is a Freedom of Information request concerning the provision of accommodation and facilities for mental health patients in cases of special urgency:

1. Please could you provide a list of the hospitals specified under the Section 140 (Mental Health Act 1983) arrangements in your area, and how many beds are available?

Nottinghamshire Healthcare NHS Foundation Trust. For more information about the Trust, please go to the following link - <https://www.nottinghamshirehealthcare.nhs.uk/>

There are no set number of “beds” available for mental health patients in cases of special urgency, should a S140 special urgency case occur, an escalation process would be enacted and patients are prioritised based on risk.

2. Please can you tell me what arrangements are in place for the reception of patients in cases of special urgency?

A Section 140 policy for Nottinghamshire has been drafted and is being reviewed by NHS England and colleagues within the system. The final version of the policy will be published on our website after 9 November 2021 - <https://nottsccg.nhs.uk/about-us/our-policies/>. A copy of the policy will be emailed to you on or after 9 November 2021.

Section 22 – Information Intended for Future Publication

We can confirm that NHS Nottingham and Nottinghamshire CCG hold the Section 140 policy for Nottinghamshire in draft form however a Section 22 – Information Intended for Future Publication exemption has been applied to the information thereby exempting its release.

Section 22 provides an exemption for information that is intended to be published in the future.

Information is exempt if, at the time when the public authority receives a request for it:

- the public authority holds the requested information;
- the public authority intends the information to be published at some future date, whether that date is determined or not; and

- in all the circumstances it is reasonable to withhold the information until its planned publication.

It is a qualified exemption and therefore public authorities must consider whether the public interest in maintaining the exemption is greater than the public interest in disclosing the requested information.

We are not obliged under Section 22 of the Freedom of Information Act 2000 to provide information that is intended for future publication. In line with the terms of this exemption, we have considered whether it would be in the public interest for us to provide you with the information ahead of publication, despite the exemption being applicable.

When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public Interest Test

Considerations Favouring Disclosure

NHS Nottingham and Nottinghamshire CCG is committed to recognise that disclosure of the Section 140 policy for Nottinghamshire would promote openness, accountability and transparency in the use of public funds by the CCG and by the NHS in general and also with decision making by the CCG and their transactions with third parties.

Disclosure of the information under Freedom of Information Act 2000 would be consistent with the CCGs commitment to proactively publish data on matters of a wider public interest.

Considerations Favouring Non-Disclosure

NHS Nottingham and Nottinghamshire CCG is committed to publishing information however we do not consider that it is in the public interest to place information into the public domain, prematurely, before pre-publication procedures have taken place.

As the assurance process of the policy is ongoing, early release of the requested information could be misrepresentative of the finalised policy. It is in the public interest that the assurance process is able to conclude before making the policy available to the public to ensure confidence and accuracy in the information disclosed.

Balance Test

It is important to bear in mind that any disclosure under the Freedom of Information Act 2000 is a disclosure to the public at large and not just to the applicant. It is recognised that there is a general public interest in the CCG being open and transparent. However, it is not believed that this public interest is served in disclosure for damage that would be caused as outlined above.

We have therefore reached the view that, on balance, the public interest is better served by withholding this information under Section 22 of the Freedom of Information Act 2000 at this time.

3. Can you provide information about, or a copy of, the local joint policy between the local authorities, services, and NHS commissioners for Section 140 of the Mental Health Act?

Please see above Section 22 – Information Intended for Future Publication exemption that has been applied regarding this policy.

4. Who are the Senior Leads for each party in this joint policy?

NHS Nottingham and Nottinghamshire CCG, Nottinghamshire County Council, Nottingham City Council, Nottinghamshire Healthcare NHS Foundation Trust and Nottinghamshire Police have jointly devised the policy via a Multiagency steering group, the group continues to oversee the developments. A final policy will be approved by the Nottinghamshire Integrated Care System Mental Health and Social Care Board.

If you are unhappy with the way in which your request has been handled, NHS Nottingham and Nottinghamshire Clinical Commissioning Group have an internal review procedure through which you can raise any concerns you might have. Further details of this procedure can be obtained by contacting Lucy Branson, Associate Director of Governance via lucy.branson@nhs.net or by writing to NHS Nottingham and Nottinghamshire CCG, Sir John Robinson House, Sir John Robinson Way, Arnold, Nottingham, NG5 6DA.

If you remain dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office, who will consider whether the organisation has complied with its obligations under the Act, and can require the organisation to remedy any problems. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by NHS Nottingham and Nottinghamshire Clinical Commissioning Group. You can find out more about how to do this, and about the Act in general, on the Information Commissioner's Office website at: <https://ico.org.uk/for-the-public/>

Complaints to the Information Commissioner's Office should be sent to: FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Telephone 0303 123 1113 or report a concern: <https://ico.org.uk/concerns/>

Yours sincerely

Freedom of Information Officer on behalf of *NHS Nottingham and Nottinghamshire Clinical Commissioning Group*.

notts.foi@nhs.net

All information we have provided is subject to the provisions of the Re-use of Public Sector Information Regulations 2015. Accordingly, if the information has been made available for re-use under the [Open Government Licence](#) (OGL) a request to re-use is not required, but the license conditions must be met. You must not re-use any previously unreleased information without having the consent of NHS Nottingham and Nottinghamshire Clinical Commissioning Group. Should you wish to re-use previously unreleased information then you must make your request in writing (email will suffice) to the FOI Lead via notts.foi@nhs.net. All requests for re-use will be responded to within 20 working days of receipt.