

Date: **24 January 2020**

Our reference: **FOIRQ5419**

Dear Sir/Madam,

Thank you for your request for information processed under the Freedom of Information Act 2000. Please see our response to your following request for information:

Your Request and Our Response (in bold)

Great Ormond Street Hospital for Children NHS Foundation Trust (the 'Trust') does not centrally record the information you have requested for the period you have specified since 2001. The Trust has conducted a significant search of the systems across the different teams, including several staff members carrying out local searches of their records to identify, locate and extract any relevant information. Please see our response to your following request for information covering the period from 2007-2019:

(1) *The number of applications made by the Trust under the inherent jurisdiction of the High Court (Family Division) since 2001.* **26 – Total number between 2007 and 2019 ****

Please note: **The Trust cannot provide all the information for the entire period from 2001-2019. This is because our records are not centrally held prior to 2007, therefore, we believe that in attempting to conduct a further search of the information, it would be necessary for our Legal Team to carry out a search of their electronic files to see whether any relevant information can be identified, which is approximately over 6,300 electronic files where the information might possibly be held.

The Trust has estimated a time of 2 minutes to check 1 x file to see whether any information can be identified, which means to search and check through all 6,300 files has been calculated to complete the task would take a minimum of 210 hours; which considerably exceeds the 18 hour cost limit stipulated for processing a request for information under s.12 (Cost Limit) of the Freedom of Information Act (FOIA) 2000. Your request covering the earlier time period 2001-2007 is therefore exempt under s.12(1) of the FOIA.

Section 12(1) of the FOIA allows the Trust to refuse a request where the cost of compliance is estimated to exceed the appropriate limit. The appropriate limit for Section 12 purposes is defined by The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 - SI 2004 No. 3244 ('Fees Regulation').

Under regulation 3 of the Fees Regulation the appropriate cost limit for the Trust is £450. The Fees Regulation also states that all authorities should calculate the time spent on the permitted activities at the flat rate of £25 per person, per hour. This means that the appropriate limit will be exceeded, if it would require more than 18 hours' work for the Trust to carry out the following activities in complying with the request:

- determining whether the information is held
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

<http://www.legislation.gov.uk/ukpga/2000/36/section/12>

(2) *How many of those applications concerned withdrawal of life-sustaining treatment from a patient?* **9 (which is the total number between 2007 and 2019)****

Please note: **The Trust cannot provide all the information for the entire period from 2001-2007. This information is exempt under s.12 (Cost Limit) of the FOIA covering the same period we have applied the same exemption for Q.1 of your request

3) *How many of the applications mentioned under (2) above were successful?*

Seven applications were granted although not always in the same form as initially applied for; one application was withdrawn; and a second application was transferred to a different service provider; which meant the Trust was no longer a party to that case.

4) *A year-by-year breakdown of any statistics provided under (1), (2) and/or (3) above*

2007:	1 application (1 treatment order application)
2008:	0

2009: 2 applications (1 withdrawal of treatment application, 1 treatment order application)
2010: 0

(5) In relation to each application, please provide the court case reference number, neutral judgement citation, and copies any any orders made by the Court.

The Trust confirms it holds some of the information requested; but the information is already in the public domain and is, therefore, exempt under s.21 of the FOIA. This exemption is an absolute exemption and there is no public interest consideration on whether to disclose the information as s.21 (1) states that information, which is reasonably accessible to the applicant otherwise than under Section 1, is exempt information.

<http://www.legislation.gov.uk/ukpga/2000/36/section/21>

The other information held by the Trust is by virtue of it being contained in documents filed within court records for the purposes of proceedings in a particular matter, exempt under s.32(1)(a) (Court Records) of the FOIA, which is documents created by a court or a Member of the administrative staff of a court, for the purposes of proceedings in a particular matter; and /or s.32(1)(c)(i); and s.32(1)(c)(ii) of the FOIA.

However, please note the majority of the information contained within applications and orders contain confidential information about patients and their families. The Trust has a duty of confidentiality to protect that information from disclosure to the public, which is information under s.41(1) (Information provided in confidence) of the FOIA.

<http://www.legislation.gov.uk/ukpga/2000/36/section/32>

Please note:

The information we have provided under the Freedom of Information Act 2000 is the information held on the date your request was received by the Trust.

We hope the information provided is sufficient and helpful in answering your questions or any issues or concerns. Should you have any further queries in relation to this request, please do not hesitate to contact the FOI Team and quote the above reference number on any related correspondence.

Re-use of information

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Yours sincerely

Freedom of Information team

Great Ormond Street Hospital for Children NHS Foundation Trust

Email: foiteam@gosh.nhs.uk

[Enclosed – Your rights – see next page]

Your Rights

Should you have any questions relating to the response you have received to your request for information, please do not hesitate to contact the FOI Team. Alternatively, you are entitled to make a request for an internal review within two months from the date of receiving our final response to your original request. You can also write to the Head of Quality & Safety at the following address:

Quality & Safety team
Great Ormond Street Hospital
LONDON
WC1N 3JH

If, however, you remain dissatisfied with the outcome of the internal review then you have the right to appeal to the Information Commissioner as the final stage of the FOI process. You can contact the Information Commissioner's Office at the following address:

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

Telephone: 0303 123 1113
Fax: 01625 524510