



East London

NHS Foundation Trust

Information Governance

Robert Dolan House

9 Alie Street

London

E1 8DE

Email elft.foi@nhs.net

Website: <https://www.elft.nhs.uk>

10 December 2024

Our reference: FOI DA5740

I am responding to your request for information received 19 November 2024. This has been treated as a request under the Freedom of Information Act 2000.

When an organisation receives a request for information under the Freedom of Information Act, it is allowed under the Act to apply a blanket exemption to this where it has concluded that providing a response would take in excess of eighteen hours.

When the cost of compliance and extracting information would exceed eighteen hours, a cost limit of £450 can be applied. This is explained in Section 12 of the Freedom of Information Act 2000 and is based on a rate of £25 per hour, regardless of the rate of pay of any individual involved in the retrieval of requested information, and equates to eighteen hours work.

Having reviewed your request, the Trust has noted that it would not be able to provide all the information requested within the eighteen hours specified in the Freedom of Information Act 2000. However, in this instance and to assist you, we have provided a partial response to your request as per below.

In order to assist you with your request, I have advised below the timing each question would take to help you to refine your request. If you wish to refine your request to comply with the eighteen hour time limit, please do get in touch.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,

Information Rights Coordinator



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Chief Executive Officer: Lorraine Sunduza
Chair: Eileen Taylor

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

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

Tel: 0303 123 1113
Web: www.ico.org.uk

Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention



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Request:

Question 1: I would be grateful if you could also send me a clear explanation of the legal process for closing Simmons House in terms of the NHS Act and any other legislation, and how NCEL has followed any/all legal imperatives. Do you think the closure might be illegal? I raise this as a concern and a potential risk for NCEL and its board, as there could be legal challenges to the actions taken.

<https://www.bailii.org/ew/cases/EWHC/Admin/2021/928.html>

Answer: The Trust has reviewed question 1 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 1(1) of the Freedom of Information Act 2000 states:

*Any person making a request for information to a public authority is entitled—
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to them.*

North Central and East London (NCEL) Provider Collaborative does not record the information requested as it is not closing Simmons House. NCEL Provider Collaborative is currently undertaking a public engagement exercise on a set of interim service proposals following the temporary closure of Simmons House provided by Whittington Health. NCEL Provider Collaborative is therefore unable to provide a response.

Question 2: All emails/correspondence from NCEL Provider Collaborative regarding commissioning/de-commissioning of Simmons House Adolescent Unit from November 2023 and November 2024 (the present day)

Answer: The Trust has reviewed question 2 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 12(1) of the Freedom of Information Act 2000 states:

Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit

The Trust has reviewed your request for information and in order to collate this information, it would be necessary to review and collate over 2000 emails and this is estimated to take over 18 hours.

Question 3: All emails/correspondence within NCEL Provider Collaborative regarding the temporary closure of Simmons House Adolescent Unit between November 2023 and November 2024 (the present day). By this I mean emails/correspondence between all members of the NCEL Provider Collaborative and the NCEL Trust Board and all Trust board minutes

Answer: The Trust has reviewed question 3 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 12(1) of the Freedom of Information Act 2000 states:

Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit



The Trust has reviewed your request for information and in order to collate this information, it would be necessary to review and collate over 2000 emails and this is estimated to take over 18 hours.

Additionally, should you wish to refine such a request, please note that we do not have an NCEL Trust Board, but we do have an NCEL Strategy Board.

Question 4: The legal advice obtained by NCEL Provider Collaborative and all correspondence between NCEL Provider Collaborative and their lawyers regarding Simmons House and its temporary closure from November 2023 until November 2024, the present day.

Answer: The Trust has reviewed question 4 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 42(1) of FOIA states:

(1) information is exempt from disclosure if the information is protected by legal professional privilege (LPP) and

(2) this claim to privilege could be maintained in legal proceedings. LPP protects the confidentiality of communications between a lawyer and client.

The Trust is unable to disclose such information if recorded, as to do so would be in breach of Legal Professional Privilege under advice privilege if disclosed. As a result, the Trust is unable to confirm if such information is held, if recorded.

Please note: The final report on the engagement process with service users and stakeholders will be publicly available when it is completed.

Question 5: The consultation information and all correspondence from NCEL Provider Collaborative undertaken by Dorian Cole (who I understand was employed by NCEL). Additionally, please provide all information about how Mr Cole was appointed by NCEL Provider Collaborative and what process was followed.

Answer: The Trust has reviewed question 5 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 22 of the FOI Act states:

(1) Information is exempt information if—

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not), (b) the information was already held with a view to such publication at the time when the request for information was made,

The Trust has considered your request for consultation information and has applied this exemption as the relevant report being finalised by Dorian Cole will be completed at a later date. Once the report pertaining to this piece of work is finalised it will be available publicly.

With regards to the appointment of Dorian Cole, Mr Cole has been employed by NCEL Provider Collaborative through the Trust's standard recruitment processes to undertake a discreet piece of work for the collaborative.

Please also provide all correspondence between Mr Cole and the NCEL Provider Collaborative and Mr Cole's consultation report.

The Trust has reviewed question 5 of your request for information under the Freedom of Information Act (FOI) 2000.



Section 12(1) of the Freedom of Information Act 2000 states:
Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit

The Trust has reviewed your request for information and in order to collate this information, it would be necessary to review and collate over 2000 emails and this is estimated to take over 18 hours.



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