

Freedom of Information Request: Our Reference CTMUHB_506_21

You asked:

In relation to the "Review of Procedures for the management of Claims, Redress cases and coronial investigations at CTM", I would like to request the following:-

1. Review fieldwork conducted by the Welsh Risk Pool (WRP - NWSSP);

The specific information that you have requested would need to be provided by [NHS Wales Shared Services Partnership](#) (NWSSP) whom host the Welsh Risk Pool.

Therefore, you may wish to redirect this element of your request to NWSSP, they can be contacted at the following address:

shared.services@wales.nhs.uk

2. Draft Report Published October 2021 and any draft reports pre/post the date of October 2021;

A draft report was received on the 18th October 2021 to be considered for factual accuracy with the final response received on 8th November 2021.

Cwm Taf University Health Board has considered this question under the FOI Act and has applied exemptions under Section 36 of the Act. Section 36(2)(b) and Section 36(c) has therefore been applied to this part of your request. This states that information being considered under this exemption, would, or would be likely to, inhibit the free and frank provision of advice, or the free and frank exchange of views for the purposes of deliberation.

We have also considered that information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information under this Act Prejudice to the effective conduct of public affairs (section 36)(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs. In the case of the Cwm Taf Morgannwg University Health Board, the qualified person is the Chief Executive

In our view, prejudice to the effective conduct of public affairs could refer to an adverse effect on the public authority's ability to offer an effective public service or to meet its wider objectives or purpose. Disclosure of such information could also have an adverse effect on other bodies or the wider public sector should they be requested to disclose similar internal communication.

The Health Board has considered that the disclosure of any correspondence regarding the draft report, would or would be likely to prejudice the effectiveness of our decision making and would be likely to inhibit the free and frank exchange of views for purposes of deliberation. Our staff have to have a mechanism to express themselves openly, honestly and completely, or to explore extreme options, when providing advice or giving their views as part of internal processes.

As a public authority, the Health Board requires some discretion and flexibility. Some of the information contained could be deemed sensitive, and as a result the Health Board is withholding this information under Section 36(2)(b)(i) Section 36 (c) of the FoIA.

Section 36 of the FoIA is subject to the public interest test, applied as follows:

In favour of disclosure: There is a legitimate public interest in transparency and accountability of the ways in which public bodies operate and manage situations. This includes enhancing the public understanding of the steps taken by the Health Board, building trust between the public and the organisation.

Against disclosure: Disclosure of this information would be likely to cause substantial harm to the Health Board's ability to effectively manage situations, as information would be disclosed pertaining to the finer details of its operational planning.

Disclosure of such discussions would inhibit free and frank discussions in the future, and that the loss of frankness and candour would damage the quality of advice and deliberation and lead to poorer decision making.

Decision: The Health Board's considers that the public interest in withholding the information is greater than the interest in disclosing it, and believes that there is wider established public interest in the Board's ability to make decisions, to plan and implement changes.

It has therefore been decided that releasing the information under FoIA, to which the UHB is subject, would be likely to impair the UHB's ability to plan and implement changes operationally.

3. CTMUHB amendments and all in-going/out-going correspondence regarding draft report for the purposes of finalising the report;

Please see response to question 2.

4. Welsh Risk Pool (WRP) amendments and all in-going/out-going correspondence regarding draft report for the purposes of finalising the report;

Please see response to question 1.

5. Final Report Published November 2021;

We can confirm that Cwm Taf Morgannwg University Health Board holds information falling within the confines of your request. However, the information you have requested is being withheld under the Freedom of Information Act 2000. The exemption that applies to this information is Section 22(a) of the Act - information intended for future publication.

Under our obligation to provide help and assistance, we would like to inform you that the information you seek will be received at the January [Quality and Safety Committee](#) and the papers will be published on the [Health Board](#) web site.

6. All CTMUHB in-going/out-going correspondence regarding final report;

Please see response to question 2.

7. All Welsh Risk Pool (WRP) in-going/out-going correspondence regarding final report.

Please see response to questions 1 and 2.