



Ein cyf/Our ref ATISN 13196

27 June 2019

Dear ,

ATISN 13196 – Betsi Cadwalader UHB (Special Measures)

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 30 May 2019. I have interpreted your request for the following information:

- *How many times have senior Welsh Government officials met with the Betsi Cadwaladr University Health Board senior management team in relation to special measures from 8th June 2015 to 30th May 2019?*
- *What is the makeup of the Welsh Government support including advisers tasked with bringing Betsi Cadwaladr University Health Board out of special measures?*
- *What additional measures have been implemented under the special measures team between 8th June 2015 and 30th May 2019?*
- *A list of outcomes and benefits of the Health Board being in special measures over the last 4 years (8th June 2015 to 30th May 2019).*

Section 12 of the Freedom of Information Act 2000 states a public authority is not obliged to comply with a request for information in circumstances where it estimates the cost of compliance would exceed “the appropriate limit”. The appropriate limit is defined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. In the case of the Welsh Government the limit is set at £600. When calculating whether or not your request exceeds the appropriate limit, I am allowed to consider the time it is likely to take to establish if we hold the information, locate the information, retrieve the information and extract it. If these tasks are estimated to take more than 24 hours of working time (at a standard rate of £25 per hour) the limit will have been exceeded.

Your request is very broad in scope, spanning a period of 4 years and seeks information that crosses a number of divisions within the Health and Social Services department in the Welsh Government.

As this is not information that we would routinely compile, we would have to carry out a specific exercise to collate this data. From our preliminary assessment, we estimate that to comply with your particular request would exceed the appropriate costs limit under section 12 of the Freedom of Information Act 2000.

In this case we estimate that approximately 122 individuals could potentially hold information in inboxes and calendars related to this request. As the request is wide, to ensure an accurate capture has taken place we would need to search each of the inboxes and calendars identified.

A sample exercise to conduct a check on an average inbox and calendar, with key words; 'Betsi Cadwaladr University Health Board' and 'Special Measures', it would take on average 30 seconds to check each of 122 calendars and 30 seconds to check each of 122 inboxes which in total would take 2 hours ($60 \text{ seconds} \times 122 = 7320 \div 60 = 122 \text{ minutes} \div 60 = 2 \text{ hours}$).

When conducting a sample exercise of calendars, on average 14 items were returned with the key words. To assess an email as in or out of scope takes an average of 20 seconds. This would mean that it would take 9.48 hours to complete ($14 \times 20 \text{ seconds} = 280 \text{ seconds} \div 60 = 4.6 \text{ minutes} \times 122 \text{ inboxes} = 569.3 \text{ minutes} \div 60 = 9.48 \text{ hours}$).

When conducting a sample exercise of inboxes, on average 47 items were returned with the key words. To assess an email as in or out of scope takes an average of 40 seconds. This would mean that it would take 63.6 hours to complete ($47 \times 40 \text{ seconds} = 1880 \text{ seconds} \div 60 = 31.3 \text{ minutes} \times 122 \text{ inboxes} = 3822 \text{ minutes} \div 60 = 63.7 \text{ hours}$).

In addition, in conducting a preliminary search of electronic records held which could potentially hold information relating to the request, we have identified that at least 569 pieces of correspondence (electronic or otherwise) would need to be checked. A sample exercise shows that 40 seconds on average would be required to check each document to see if it contains any information relevant to your request. This would mean that it would take 6.3 hours to complete ($569 \times 40 \text{ seconds} = 22,760 \text{ seconds} \div 60 = 379.3 \text{ minutes} \div 60 = 6.3 \text{ hours}$). Therefore in total this comes to 81.48 hours.

For these reasons, I have concluded that your full request should be refused on the basis that it exceeds the appropriate limit under Section 12 of the Freedom of Information Act.

I can confirm Welsh Government officials meet with the health board senior management regularly to discuss special measures including formal monthly meetings and accountability meetings that also involve the Minister and Chair of the health board. As well as these regular meetings, senior officials will have also met with senior management of the health board on numerous other occasions to discuss specific issues/ services under special measures arrangements. It is these numerous meetings that require us to check through diaries and inboxes, as some of these will not necessarily been planned but happened on a more ad hoc nature – i.e. through telephone calls and/or incorporated or added to the agenda of other regular meetings taking place. Therefore to ensure we had captured all meetings we would need to search through inboxes and calendars of officials from a number of divisions across the department who have previously and currently work closely with the health board on a number of issues whilst in special measures, e.g. mental health, finance, maternity, primary care, quality and performance etc.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including narrowing any dates or period of time relevant to the information required. If you do refine your request in this way, this will be treated as a new request.

With regards to points 2, 3 and 4 of your request as this information is routinely published, in oral and written statements issued to provide updates on the intervention support and progress the health board has made under special measures, it is therefore exempt from disclosure under Section 21 – Information accessible by other means.

As this is an absolute exemption under the Freedom of Information Act 2000, there is no requirement to consider the public interest test. In line with our duty to advise and assist, I have provided a link to the Betsi Cadwaladr University Health Board in Special Measures web page below. In addition I have provided a link to a document recently provided to the National Assembly for Wales' Public Accounts Committee (PAC (5)-02-19 – P1) which contains information on the progress of the Health Board whilst under special measures and links to the statements referred to above, which you may find useful.

<http://www.wales.nhs.uk/sitesplus/861/page/81806>

<http://senedd.assembly.wales/ieListDocuments.aspx?CI=441&MI=5047&Ver=4>

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of the response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Or email: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

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

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,

