

Date: Friday, 13th March 2020
Our Ref: MB/SH FOI 4270

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Re: Freedom of Information Request FOI 4270

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 28th February 2020.

Your request was as follows:

1. Total annual budget and monthly breakdown for food for patients. Could you provide the data in each hospital for the last five calendar years for which is available?

I confirm that The Walton Centre NHS Foundation Trust holds the information you have requested. However, I am unable to provide you with that information as I consider that the following exemptions apply to it:

Section 43 (2) -Disclosure would, or would be likely to, prejudice the commercial interests of any person

This information is exempt from disclosure under Section 43(2) of the Freedom of Information Act 2000 (FOIA). We cannot provide information requested as your query on the grounds that the withheld information would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

In order to apply section 43(2), the public authority must satisfy itself that disclosure of the information would, or would be likely to, prejudice or harm the commercial interests of any person.

If The Walton Centre did disclose this information this would affect the suppliers of food as if this information is made publically available it would result in competitive disadvantage.

Public Interest Test

To use this exception we are required to undertake a public interest test. The matters which were considered in applying the public interest test are as follows:

Factors in favour of disclosure:

- It would enable the public to better scrutinise the public monies spent.

Factors in favour of withholding:

- It would give other supplies the opportunity to undercut the current supplier which could impact the current suppliers business.
- It would give other supplies the opportunity to undercut the current supplier which could impact The Walton Centres financial interest with future suppliers.

Therefore it has been considered benefits of withholding this information outweigh the benefit in disclosing the information.

Section 16 - Assist and advise

The FOIA places a duty on us to provide help and assistance where possible and I am able to advise the following



Section 21 - Information already reasonably accessible to you

This information is exempt from disclosure under Section 21 of the Freedom of Information Act 2000 (FOIA), as it is already reasonably accessible to you.

Financial statements are available in the Trust's Hospital Estates Return Information Collection (ERIC) Data. The information is published annually by the Health & Social Care Information Centre and may be found at <https://digital.nhs.uk/data-and-information/publications/statistical/estates-returns-information-collection>

Using this data the following costs may be derived for the last year we can also advise:

- In Patient Food Service Costs: £730,090 - the monthly breakdown would simply be 1/12th of this figure which would be £60,840.
- Number of main meals requested during the year: 170,352 - monthly breakdowns are not available
- Patients are offered three main meals per day and receive a minimum of two additional snacks

2. Could you provide a breakdown of meals and number of times served to patients over the above periods?

See above

3. Could you tell me the number of malnutrition inpatients in each hospital last five calendar years for which is available (ideally including 2020 so far)? Can you break this down by year.

I confirm that The Walton Centre NHS Foundation Trust holds the information you have requested. However, I am unable to provide you with that information as I consider that the following exemptions apply to it.

Section 40 (2) - Third Party Data

This information is exempt from disclosure under Section 40(2) of the Freedom of Information Act 2000 (FoIA), due to the minimal number of patients identified, in answering your query may lead to the undue stress of families and patients as this information may still lead to patients being identified. Therefore this information has not been released for reasons of confidentiality.

This exemption is not subject to the public interest test.

This response therefore acts as a refusal notice under section 17 of the FoIA.

Please see our response above in blue.

Re-Use of Public Sector Information

All information supplied by the Trust in answering a request for information (RFI) under the Freedom of Information Act 2000 will be subject to the terms of the Re-use of Public Sector Information Regulations 2005, Statutory Instrument 2005 No. 1515 which came into effect on 1st July 2005.

Under the terms of the Regulations, the Trust will licence the re-use of any or all information supplied if being used in a form and for the purpose other than which it was originally supplied. This license for re-use will be in line with the requirement of the Regulations and the licensing terms and fees as laid down by the Office of Public



Sector Information (OPSI). Most licenses will be free; however the Trust reserves the right, in certain circumstances, to charge a fee for the re-use of some information which it deems to be of commercial value.

Further information can be found at www.opsi.gov.uk where a sample license terms and fees can be found with guidance on copyright and publishing notes and a Guide to Best Practice and regulated advice and case studies, at www.opsi.gov.uk/advice/psi-regulations/index.htm

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Freedom of Information Office at the address above.

Please remember to quote the reference number, FOI 4270 in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Mike Burns

Mr. Mike Burns, Executive Lead for Freedom of Information