

Date: Thursday, 28th May 2020  
Our Ref: MB/SS FOI 4347

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**Re: Freedom of Information Request FOI 4347**

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 27th May 2020.

Your request was as follows:

Could you please tell me for the calendar year 2019:

1) How many complaints through the patient advice and liaison system (PALS) your Trust received from patients alleging they had been discriminated against or badly treated by a member of staff because of their being overweight or obese.

Please do this by searching for complaints containing any of the words "weight", "fat", "obese", "overweight" and "bariatric" and filtering these to find those that refer to fat-shaming comments made by a member of staff.

I confirm that The Walton Centre NHS Foundation Trust can neither confirm nor deny that it 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:

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, and 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.

2) Can you select the first five such complaints from 2019 and provide me with the following details:

a. What type of staff member was the complaint levelled against? E.g. healthcare assistant, junior doctor, consultant, cleaner, kitchen staff.

N/A

b. Please quote the words allegedly used by the hospital staff or summarise the offending action

N/A

c. Please tell me what, if any, action was taken by your trust in response to these five sample complaints from the beginning of 2018

N/A

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 requirements 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](http://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](http://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 4347 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**