

Ref: 8040

**FOI Requests**  
**Salisbury NHS Foundation Trust**  
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22<sup>nd</sup> July 2024

To Whom It May Concern

Thank you for your Freedom of Information request dated 09.07.2024 and received in our office on 10.07.2024.

The Trust recognises the importance of clear leadership to help set the vision for our effective collaboration with the other two Acute Trusts in BSW, and the next step towards achieving this is looking at shared leadership across all three Acutes and identifying a Joint Chief Executive and Joint Chair. Each Trust will retain its own Trust Board and this change would not represent a merger of the Trusts. The Trust can confirm that information is held.

The Trust will hold email correspondence and reports on the proposal. The Trust also holds agendas, papers and minutes of meetings.

It is important to note that the proposal of shared leadership has been discussed as part of the private sections of the Board of Directors meetings and Council of Governors meetings. These meetings always have a 'public' section and a 'private' section. The public section of the Board of Directors meetings are published on the Trust website, including the agenda, full agenda pack (including reports, papers, etc.) and the minutes from meetings. The public section of the meetings also allow members of the public to attend and listen to the meeting. The private section of the meeting is where more sensitive organisational matters are discussed. This section of the meeting is closed to the public and information is not published. If anyone had been present for the public section, they are asked to leave before the private section begins. Having two sections within the meeting is standard practice and ensures correct governance procedures are followed. It also means that the attendees can have free and frank discussions on sensitive subjects. This is vital for the efficient management and performance of the organisation.

In the Freedom of Information Act 2000, information is exempt from disclosure if complying with the request would prejudice or would be likely to prejudice "the effective conduct of public affairs". This includes, but is not limited to, situations where disclosure would inhibit free and frank advice and discussion. The Trust has determined that this exemption applies

to email correspondence and all information (including reports, agendas, papers and minutes) already discussed at, or shared with the attendees of, the private meetings.

Section 36 is qualified by the public interest test.

There are arguments in favour of releasing information. The three acute Trusts are public bodies and there would be some public interest in how these organisations are run – particularly for local residents within the catchment areas of the hospital services.

The stronger argument is in favour of withholding the information. Up to the date of the request, any plans or proposals have been discussed in the private section of the Board of Directors meetings. This is a vital part of the organisation's governance process and ensures that open and honest discussions can take place on sensitive matters which cannot yet be made public. In practice:

- The emails requested will have directly informed and influenced the narrative of the papers being presented at the private meeting. All of the individuals roles that were named within the request are the most senior within the organisation – therefore, it would severely inhibit the organisation's ability to function if these individuals were not able to provide free and frank opinion and/or advice via email.
- The agendas, papers and minutes cannot be released for the same reasons that it would prevent the efficient running of vital meetings. Attendees would not be able to have open discussions on topics if they were concerned that this would be made available in the public domain. It would further prevent attendees from raising concerns and/or risks, which would negatively impact the organisation.

The Trust has therefore determined that releasing information would prejudice the conduct of our public affairs. In order to ensure that this decision is correct, it has been approved and confirmed as reasonable by the authorised person – the Chief Executive Officer for the Trust.

In addition to the information already discussed at private meetings, the Trust can confirm that further information is held which is due to be discussed at a Board of Directors meeting in July. The agenda item is due to take place within the public section of the meeting.

In the interests of transparency, here is a link to the website where Board of Directors meeting information has been published [22nd July 2024 \(salisbury.nhs.uk\)](https://www.salisbury.nhs.uk). Additionally, please find attached an announcement which was made to staff at the Trust. This was outside the scope of your request due to the timeframe but has been included for openness.

For any other information held in relation to this meeting, the Trust is relying on s22 of the FOI Act which states that information does not have to be released if it is intended for future publication. We would advise you to monitor the Trust's website for further information in relation to the upcoming Board of Directors meeting where the proposal will be discussed in the public section and for any public announcements which may be made thereafter.

Section 22 is qualified by the Public Interest Test. The Trust has determined that information is being made available in the public domain in the very near future. This will include an agenda, reports and minutes of the public Board meeting. Therefore, any argument in favour of releasing information as part of this FOI is considered weak.

Please be aware that the Trust also considered s12 of the Act for part i) of your request. Email correspondence is hosted by a third-party company called Accenture and it is not possible for an internal team at the Trust to conduct a search of email accounts. In order to pull information for the Trust, Accenture would need to run a forensic discovery request on

behalf of the Trust. This cannot be narrowed down or filtered by keywords. Therefore, an extract of the entire mailbox for each of the Directors, Non-Executive Directors, Chair and Governors (if they used a Trust provided account) would be provided. This in turn would need to be searched for any references to the proposal. It was considered that the case for an exemption under section 36 of the Act was so strong, that the Trust did not subsequently make any calculations on the cost limit. Please note that if it is determined that s36 does not apply, the information may still be exempt due to the time required to locate it and extract it.

Yours Sincerely,

Information Governance Team  
Salisbury NHS Foundation Trust