

King's Mill Hospital
Mansfield Road
Sutton in Ashfield
Nottinghamshire
NG17 4JL

Tel: 01623 622515
Join today: www.sfh-tr.nhs.uk

Direct Line: 01623 672232

Our Ref: 31

E-mail: sfh-tr.foi.requests@nhs.net

8th October 2024

Dear Sir/Madam

Please accept our sincere apologies for the delay in responding to your request. Please be advised that your request is covered by Section 12 of the Freedom of Information Act that allows the Trust to refuse to deal with any requests where we estimate that responding to the request would exceed the cost limit. We have identified that responding to your request will exceed the cost limit. For public authorities the cost limit is £450 (18 hours). If responding to one part of a request would exceed the cost limit, we do not have to provide a response to any other parts of the request. In this case we recognise the Trust has not responded in a timely way and in order to assist you we have provided you with some responses. The estimated cost of processing the remainder of your request is £4000.00.

Please find details below with reference to your request for information received on 21st May 2024 in which you asked:

1. The current structure of Trust's in-house legal team (with structure, job description and banding);

Solicitor/Head of Service – Band 9
Solicitor – Band 8a
Senior Legal Advisor – Band 8a
Paralegal 1.7 WTE – Band 5
Admin 2.0 WTE – Band 3
Admin 1.0 WTE – Band 2

2. Information about the governance related to all legal functions across the Trust:

- **Is/Are there any internal policies/Standard Operating Procedures related to legal functions including: employment law, data protection, claims management, coronial inquests, SENT**

Home, Community, Hospital.

Tribunal proceedings, Mental Health Tribunal proceedings, family law proceedings, criminal law proceedings, contracts, procurements, complaints, etc.?

- If there are policies/Standard Operating Procedures, please provide me with the most up to date versions of all of them;
- Is there any overarching policy related to the functions of in-house legal services within the Trust, governance structure related to this and what are areas of responsibility allocated to the in-house legal services?

Section 21 exempts information that is reasonably accessible to you by other means, Trust Policies: <https://www.sfh-tr.nhs.uk/about-us/policies-and-procedures/> specifically our claims handling policy: <https://www.sfh-tr.nhs.uk/media/15410/sc-jw-601-claims-handling-policy-v4-sept-22.pdf>

Coronial Inquests:

3. Number of inquests the Trust has been party to in each financial year between 2015/2016 and 2023/2024
4. Number of inquests the Trust acted via its in-house legal team in each financial year between 2015/2016 and 2023/2024
5. Number of inquests the Trust acted via instructed external legal representatives in each financial year between 2015/2016 and 2023/2024
6. Total cost of external legal representation in coronial inquests in each financial year between 2015/2016 and 2023/2024
7. Number of Prevention of Future Deaths Reports received by the Trust in each financial year between 2015/2016 and 2023/2024, with split by the coroner's area; please provide copy of each PFD report received.

Court of Protection Proceedings

1. Number of Court of Protection proceedings in which the Trust was an applicant and/or made a party to, in each financial year between 2015/2016 and 2023/2024
2. Number of Court of Protection proceedings in which the Trust acted via its in-house legal team in each financial year between 2015/2016 and 2023/2024
3. Number of Court of Protection proceedings in which the Trust instructed external legal representatives in each financial year between 2015/2016 and 2023/2024
4. Total cost of external legal representation in Court of Protection proceedings in each financial year between 2015/2016 and 2023/2024
5. Number of s49 MCA 2005 orders received by the Trust in each financial year between 2015/2016 and 2023/2024, and information whose responsible for all work and responsibilities related to the above within the Trust? Is there any policy/protocol/Standard Operating Procedure related to the above?
6. Where does the MCA Lead's function sit within the Trust and what is the interplay between the MCA Lead and in-house legal services?

Home, Community, Hospital.

High Court proceedings (inherent jurisdiction):

7. Number of High Court (inherent jurisdiction) proceedings in which the Trust acted as an applicant or was made a party to in each financial year between 2015/2016 and 2023/2024
8. Number of High Court (inherent jurisdiction) proceedings in which the Trust acted via its in-house legal team in each financial year between 2015/2016 and 2023/2024
9. 16 Number of High Court (inherent jurisdiction) proceedings in which the Trust instructed external legal representatives in each financial year between 2015/2016 and 2023/2024
10. Total cost of external legal representation in High Court (inherent jurisdiction) proceedings in each financial year between 2015/2016 and 2023/2024

High Court proceedings (judicial reviews):

11. Number of High Court (judicial reviews) cases at the pre-action protocol stage, which did not result in an application being lodged, in which the Trust was named as a defendant in each financial year between 2015/2016 and 2023/2024;
12. Number of High Court (judicial reviews) cases at the pre-action protocol stage, which did not result in an application being lodged, in which the Trust was not formally named as a defendant, but required input from Trust's legal services/external solicitor, due to the duties performed on behalf of particular Local Authority, in each financial year between 2015/2016 and 2023/2024 (please provide split by Local Authority);
13. 20. Number of High Court (judicial reviews) cases at the pre-action protocol stage, which did not result in an application being lodged, in which the Trust was not formally named as a defendant, but required input from Trust's legal services/external solicitor, due to the duties performed on behalf of particular Integrated Care Board, in each financial year between 2015/2016 and 2023/2024 (please provide split by Integrated Care Board);
14. Number of High Court (judicial reviews) proceedings in which the Trust was made a party to in each financial year between 2015/2016 and 2023/2024;
15. Number of High Court (judicial reviews) proceedings in which the Trust acted via its in-house legal team in each financial year between 2015/2016 and 2023/2024
16. Number of High Court (judicial reviews) proceedings in which the Trust instructed external legal representatives in each financial year between 2015/2016 and 2023/2024
17. Total cost of external legal representation in High Court (judicial reviews) proceedings in each financial year between 2015/2016 and 2023/2024
18. What is the governance related to the performance of the duties related to any High Court proceedings (judicial reviews), including at the pre-proceedings stage (pre-action protocol stage) within the Trust? Does the Trust have any written policy/protocol/Standard Operating Procedure outlining how to manage above cases (please provide the most up-to-date copy)? What is the system of analysing the issues raised and learning from this type of cases?

Home, Community, Hospital.

Employment law proceedings:

19. Number of employment law related at the pre-action stage, which did not result in an application being lodged, in which the Trust was named as a defendant in each financial year between 2015/2016 and 2023/2024;
20. Number of employment law related at the pre-action stage, which did not result in an application being lodged, in which the Trust was named as a defendant in each financial year between 2015/2016 and 2023/2024, by split by the type of claim (issue giving raise to the claim) made by the applicant.
21. Number of employment law related settles by the Trust, in each financial year between 2015/2016 and 2023/2024, with the clearly stated (separately) total amount of damaged agreed/paid and total cost of any legal advice/representation instructed/obtained by the Trust;
22. Number of employment law related cases lodged with the Employment Tribunal, in which the Trust was named as a defendant, in each financial year between 2015/2016 and 2023/2024;
23. Number of employment law related cases in employment tribunal (and upper tribunal) in which the Trust acted via its in-house legal team in each financial year between 2015/2016 and 2023/2024
24. Number of employment law related cases in employment tribunal (and upper tribunal) in which the Trust instructed external legal representatives in each financial year between 2015/2016 and 2023/2024
25. Total cost of external legal representation in employment law related cases in employment tribunal (and upper tribunal) accrued in each financial year between 2015/2016 and 2023/2024.
26. Total cost of damages awarded by the employment tribunal in relation to civil employment law related claims in each financial year between 2015/2016 and 2023/2024
27. What is the governance related to the performance of the duties related to any claims, including at the pre-proceedings stage, related to employment law matters within the Trust? Does the Trust have any written policy/protocol/Standard Operating Procedure outlining how to manage above cases (please provide the most up-to-date copy)? What is the system of analysing the issues raised and learning from this type of cases?

Civil claims:

28. Number of civil claims (non-employment law related) at the pre-action stage, which did not result in an application being lodged, in which the Trust was named as a defendant in each financial year between 2015/2016 and 2023/2024;
29. Number of civil claims (non-employment law related) at the pre-action stage, which did not result in an application being lodged, in which the Trust was named as a defendant in each financial year between 2015/2016 and 2023/2024, with split by the type of claim (using the NHS Resolutions categorisation) and cause of identified;
30. Number of civil claims (non-employment law related) settled by the Trust, in each financial year between 2015/2016 and 2023/2024, with the clearly stated (separately) total amount of damaged agreed/paid and total cost of any legal advice/representation instructed/obtained by the Trust;

Home, Community, Hospital.

31. Number of civil claims (non-employment law related) lodged with the courts, in which the Trust was named as a defendant, in each financial year between 2015/2016 and 2023/2024;
32. Number of civil claims (non-employment law related) lodged with the courts, in which the Trust was named as a defendant, in which the Trust acted via its in-house legal team in each financial year between 2015/2016 and 2023/2024
33. Number of civil claims (non-employment law related) lodged with the courts, in which the Trust was named as a defendant, in which the Trust instructed external legal representatives in each financial year between 2015/2016 and 2023/2024
34. Total cost of external legal representation in civil claims (non-employment law related) in civil courts accrued in each financial year between 2015/2016 and 2023/2024
35. Total cost of damages awarded by the court in relation to civil claims (non-employment law related) in each financial year between 2015/2016 and 2023/2024
36. What is the governance related to the performance of the duties related to any claims (non-employment law related), including at the pre-proceedings stage, within the Trust? Does the Trust have any written policy/protocol/Standard Operating Procedure outlining how to manage above cases (please provide the most up-to-date copy)? What is the system of analysing the issues raised and learning from this type of cases?

Contracts:

37. Who provides legal advice and support, including drafting, reviewing and assessment of legal risks, regarding to any current and future contracts the Trust enters?
38. How does this function fit into the wider in-house legal services and the related governance framework?
39. Does the Trust entered any contracts/arrangements with any Local Authorities, pursuant to s76 National Health Service Act 2006? If yes, please provide details of the Local Authorities which the Trust has contract with.
40. If the Trust entered contracts mentioned in par 42, please elaborate what are the governance and operational arrangements related to the provision of legal advice and guidance to the staff, regarding cases where the Trust delivers duties on behalf of the Local Authority?
41. If the Trust entered contracts mentioned in par 42, please provide the copy of such contracts.
42. Does the Trust entered any contracts/arrangements with any Integrated Care Board, related to the delivery of ICB's functions regarding Continuing Healthcare (CHC) Framework? If yes, please provide details of the ICBs which the Trust has contract with.
43. If the Trust entered contracts mentioned in par 45, please elaborate what are the governance and operational arrangements related to the provision of legal advice and guidance to the staff, regarding cases where the Trust delivers functions related to CHC Framework?
44. If the Trust entered contracts mentioned in par 45, please provide the copy of such contracts.
45. Does the Trust entered any contracts/arrangements with any Integrated Care Board, related to the delivery of ICB's functions regarding s117 Mental Health Act 1983 (aftercare duty)? If yes, please provide details of the ICBs which the Trust has contract with.

Home, Community, Hospital.

46. If the Trust entered contracts mentioned in par 48, please elaborate what are the governance and operational arrangements related to the provision of legal advice and guidance to the staff, regarding cases where the Trust delivers functions related to aftercare duty?
47. If the Trust entered contracts mentioned in par 48, please provide the copy of such contracts.

Mental Health Act related:

48. What are the governance arrangements related to the performance by the Trust its duties under the Mental Health Act?
49. Who is the lead responsible for the overall governance arrangements related to the Mental Health Act?
50. What is the relationship between the MHA lead and the in-house legal services?
51. Number of MH Tribunal proceedings in which the Trust was a party to (as a Responsible Authority), in each financial year between 2015/2016 and 2023/2024
52. Number of MHA related cases in which the Trust obtained legal advice from the external legal representative, in each financial year between 2015/2016 and 2023/2024, and the cost of above advice per year.
53. Number of MH Tribunal proceedings in which the in-house legal services were instructed to represent the Trust, in each financial year between 2015/2016 and 2023/2024
54. Number of MH Tribunal proceedings in which the Trust instructed external legal representatives in each financial year between 2015/2016 and 2023/2024

SEND Cases:

55. Number of SEND Tribunal cases, in which the Trust was ordered to provide evidence, in each financial year between 2015/2016 and 2023/2024
56. What is the governance framework and internal policy related to the provision of evidence for the purpose of SEND Tribunal proceedings?

Family law proceedings:

57. Number of family law cases (private and public), in which the Trust was ordered to provide written witness statement, in each financial year between 2015/2016 and 2023/2024.
58. What is the governance framework and internal policy related to the provision of evidence for the purpose of both private and public family law proceedings?

Other:

59. Number of family law cases (private and public), within which the court issued third party disclosure order against the Trust, in each financial year between 2015/2016 and 2023/2024.
60. Number of Court of Protection related proceedings, within which the court issued third party disclosure order against the Trust, in each financial year between 2015/2016 and 2023/2024.
61. Number of immigration cases, within which the tribunal issued third party disclosure order against the Trust, in each financial year between 2015/2016 and 2023/2024.

Home, Community, Hospital.

- 62. Number of SEND cases, within which the tribunal issued third party disclosure order against the Trust, in each financial year between 2015/2016 and 2023/2024.**
- 63. Number of criminal cases, within which the court ordered for the Trust to provide assessment of defendant's fitness to plea, in each financial year between 2015/2016 and 2023/2024.**
- 64. Number of criminal cases, within which the court ordered for the Trust to provide assessment of defendant's fitness to stand trial and/or any adjustments required, in each financial year between 2015/2016 and 2023/2024.**
- 65. Number of other type of cases (not listed above) in which the Trust obtained external legal advice, in each financial year between 2015/2016 and 2023/2024, and their cost per financial year.**

I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information you have requested.

Section 12 of the Act allows the Trust to refuse to deal with any requests where we estimate that responding to the request would exceed the cost limit. We have identified that responding to your request will exceed the cost limit. For public authorities the cost limit is £450 (18 hours). If responding to one part of a request would exceed the cost limit, we do not have to provide a response to any other parts of the request, although have provided you with some responses. The estimated cost of processing the remainder of your request is £4000.00. This charge has been calculated in accordance with section 13 of the Freedom of Information Act 2000 and the Freedom of Information Fees Regulations.

In order to locate this information as it is not contained in a centralised location the Trust would be required to review a large number of departments and records across multiple years. We estimate that the cost of satisfying your request will be £4000.00 (160 hours x £25 per hour).

Should you have any further enquiries or queries about this response please do not hesitate to contact me. However, if you are unhappy with the way in which your request has been handled, 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: Sally Brook Shanahan, Director of Corporate Affairs, King's Mill Hospital, Mansfield Road, Sutton in Ashfield, Nottinghamshire, NG17 4JL or email sally.brookshanahan@nhs.net.

If you are dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office, who will consider whether we have complied with our obligations under the Act and can require us to remedy any problems. Generally, the Information Commissioner's Office cannot decide unless you have exhausted the internal review procedure. You can find out more about how to do this, and about the Act in general, on the Information Commissioner's Office website at: <https://ico.org.uk/your-data-matters/official-information/>.

Home, Community, Hospital.

Complaints to the Information Commissioner's Office should be sent to FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 0303 1231113, email casework@ico.org.uk.

If you would like this letter or information in an alternative format, for example large print or easy read, or if you need help with communicating with us, for example because you use British Sign Language, please let us know. You can call us on 01623 672232 or email sfh-tr.foi.requests@nhs.net.

Yours faithfully

Information Governance Team

All information we have provided is subject to the provisions of the Re-use of Public Sector Information Regulations 2015. Accordingly, if the information has been made available for re-use under the [Open Government Licence](#) (OGL) a request to re-use is not required, but the licence conditions must be met. You must not re-use any previously unreleased information without having the consent from Sherwood Forest Hospitals NHS Foundation Trust. Should you wish to re-use previously unreleased information then you must make your request in writing. All requests for re-use will be responded to within 20 working days of receipt.

We can confirm that the Trust may hold (as defined in the Act) some of the information you have requested however it is not held in a readily retrievable form. We do not currently have a single document or file containing the specific data that you have requested, and our current systems are unable to provide a breakdown of data in the exact manner sought. The Trust would only be able to provide you with the information you requested by examining every individual patient case note and by cross-referencing this with information held electronically.

Home, Community, Hospital.