

<b>Reference:</b>	FOI.7897.22
<b>Subject:</b>	Inpatients identified as requiring the Court of Protection
<b>Date of Request:</b>	6 January 2022

**Requested:**

There are times when a hospital inpatient who has been deemed to lack capacity for discharge decisions does not wish to move to a placement in a residential or nursing home despite evidence that this is required for their ongoing safety and wellbeing. In some instances, it is deemed necessary to ask the Court of Protection to authorise the lawful placement of these individuals against their expressed wishes.

I would like to find out an answer to the following question:

Excluding psychiatric inpatient units, how many current inpatients across your Health Board sites have been identified as requiring the Court of Protection to authorise a placement that is felt to be necessary after a Best Interest Meeting. Of those patients identified as needing authorisation by the Court of Protection, how many will have their placement funded by Continuing Healthcare (CHC)?

I expect that the Discharge Liaison teams would be able to source this information without too much difficulty. If it was feasible to present this information by hospital site, I would be most appreciative.

**Response:**

Hywel Dda University Health Board (UHB) is unable to provide you with the information requested, as there is a potential risk of identifying individuals if these details were disclosed, due to the low number of patients involved (less than 5). The UHB is therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000 (FoIA).

This information is protected by the Data Protection Act 2018/General Data Protection Regulations 2016 (GDPR), as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles 6 and 9 of the GDPR. This exemption is absolute and therefore, there is no requirement to apply the public interest test.

In reaching this decision, the Data Protection Act 2018/General Data Protection Regulations 2016 define personal data as data which relates to a living individual who can be identified solely from that data or from that data and other information which is in the possession of the data controller.