

Reference:	FOI.3261.20
Subject:	Provision of mental health services during the present crisis
Date of Request:	2 June 2020

Requested:

I am writing to request a copy of your Health Board's business continuity plan (in place we understand before 14 April 2020) in relation to the provision of mental health services during the present crisis. Specifically I am interested in either that part of your wider business continuity plan which related to mental health or the whole plan (if there is not a specific and self-contained part of the whole plan relating to mental health).

Response:

The UHB has applied an exemption under Section 36(2)(c) of the Freedom of Information Act 2000 (FOIA), which states that information being considered under this exemption, would, or would be likely to, in the reasonable opinion of Hywel Dda University Health Board's(UHB) qualified person, prejudice the effective conduct of public affairs.

In the case of the UHB, the qualified person is the Chief Executive.

The UHB considers that the disclosure of this information would be likely to prejudice the effectiveness of the UHB's business continuity. As a public authority, the UHB requires some discretion in the ability to deviate from the prepared continuity plan and implement alternative operational plans, in accordance with the situation it is presented with. As seen with the COVID-19 pandemic, regulations and guidance have been ever changing and the UHB has to be able to work in accordance with and make changes at a fast pace. Publication of the UHB's Business Continuity Plan could inhibit the UHB's ability to implement the set plan in the future, or could be used against the UHB to inhibit the implementation of proposed practices.

The UHB is therefore withholding this information under Section 36(2)(c)(i) of the Freedom of Information Act.

Section 36 of the FOIA is subject to the public interest test, applied as follows:

In favour of disclosure: There is legitimate public interest in transparency and accountability of the ways in which public bodies operate and manage emergency planning in response to developing situations. This includes enhancing the public understanding of the steps taken by the UHB building trust between the public and the UHB.

Against Disclosure: Disclosure of this information would be likely to cause substantial harm to the UHB process, as information would be disclosed pertaining to the finer details of its operational planning and the adaptations required in response to the presenting circumstance. Additionally, the UHB must be able to change the plan at its own discretion to protect and preserve its operational security and patient and staff safety.

Decision: The UHB considers that the public interest in withholding the information is greater than the interest in disclosing it, and believes that there is wider established public interest in the Board's ability to make decisions and plan for all circumstances.

It has therefore been decided that releasing the information under FoIA, to which the UHB is subject, would be likely to impair the UHB's emergency planning.

Under section 16 of FoIA, the UHB has an obligation to provide advice and assistance. The UHB has therefore provided a copy of the Mental Health and Learning Disabilities (MHL) COVID-19 Preparedness Paper, Attachment 1, which was prepared in March 2020 in direct response to the pandemic and discusses the continuing operation of MHL services.

The contents of this paper were discussed in greater detail in the UHB's Board meeting on 28 May 2020. For ease of reference, the minutes of the meeting can be accessed via the following link:

<http://www.wales.nhs.uk/sitesplus/documents/862/Item%202.3%20Responding%20to%20the%20COVID-19%20Pandemic%20-%20Update%2C%20Review%20and%20Ratification%20of%20Decisions%20Made%20Since%2016th%20April%202020%20for%20web.pdf>