Ref: CORP 2021 - 112 Date: 28/10/2021

Dear \*\*\*\*

**Request under Freedom of Information Act 2000**

Thank you for your request for information in relation the Gateway Review involving Dr Jane Barrett which we received on 16/09/2021.

***Your Request;***

* There appears to be a discrepancy here. Dr BARRETT clearly states she was not the clinical lead involved in a review into the redevelopment of Velindre. Can you please explain why Velindre is stating Dr BARRETT was the external clinical lead into the project? Again, can I ask for a copy of Dr BARRETT’s work to be forwarded to me, she is clearly happy for this to take place? If this is not possible, can a GMC registered Consultant confirm they have read the document in which Dr BARRETT is the overarching clinical lead, not simply a member of a multi professional panel / board / group. Again, please accept my thanks for your help in this matter.

***Velindre University NHS Trust response is shown below;***

The Trust can confirm that Dr Jane Barrett has been involved with two reports in relation to the Transforming Cancer Services (TCS) Programme.   
  
In January 2017, Dr Jane Barrett was a member of the team appointed by Welsh Government to deliver an independent Gateway 0 Review which is a standard part of the business case process required by the UK Treasury for all large infrastructure projects. Its purpose was to provide assurance to the Senior Responsible Officer (SRO) in terms of the progress of the Transforming Cancer Services in South East Wales programme. That means that the clinical model underpinning the programme was included as part of the review, however the proposed location in the Northern Meadows was not.  
  
In June 2017, Dr Jane Barrett was a member of the Evaluation Panel which approved a Site election Evaluation Report recommending that the preferred location of the radiotherapy Satellite Centre should be Nevill Hall Hospital in Abergavenny.

In terms of our obligations to publish the Gateway Review Report - the Trust are applying Section 36 "Prejudice to the effective conduct of public affairs" exemption.

Section 36 of the Freedom of Information Act 2000 (FOIA) provides that,

*“Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act-*

*(2)(b) would, or would be likely to, inhibit-*

*i. the free and frank provision of advice, or*

*ii. the free and frank exchange of views for the purposes of deliberation, or*

*(2)(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.*

As with any request for information, the Trust recognises there is a general presumption in disclosure to promote openness and transparency since this allows for greater scrutiny and accountability of public authority’s activities.

However on this occasion, the Trust view possible disclosure, and any widespread and uncontrolled access to information that would not be published as a matter of course, is likely to inhibit the ability of the Trust officials and partners in expressing views and deliberating issues which would in turn impair the quality of decision making.

It is a matter of good public administration that, there is a safe space for Trust officials to have free and frank exchanges with partners in order for the Trust to assure itself, and therefore the wider general public, that the combined work of the Trust and its partners is effective.

In accordance with the FOIA, the section 36 exemption can only be considered if, in the reasonable opinion of the public authority’s qualified person agrees that the exemption is engaged. For the Trust, the 'qualified person' is the Chief Executive. I can confirm that the Chief Executive has considered the request and, in his opinion, there is real likelihood that the release of the report would prejudice the effective conduct of public affairs, and therefore section 36(2) is engaged.

Section 36 is subject to the Public Interest Test, about which we explain further below.

**Public Interest Test**

In considering the public interest test, the Trust has identified the following points:

**Arguments for disclosing the information:**

* Disclosure of information held by public authorities on request is in itself of value and in the public interest so as to promote transparency and accountability in relation to the activities of public authorities.
* The quality of advice and the content of deliberations by officials may improve if there was an expectation of the information being made publically available.
* There is a clear public interest in demonstrating that the work of the parties is effective in the deliberation of any future proposed tertiary services, and how these are going to be delivered across South East Wales

**Arguments for withholding the information:**

* There is a public interest in the Trust and its partners being able to have free and frank deliberations to ensure effective arrangements are in place.
* Disclosure would impact on the ability of the Trust and its partners to debate live issues and reach decisions free from external scrutiny.
* The Trust publish extensive information regarding their work in this area already.

Considering the arguments outlined above, the Trust has concluded that the public interest favours maintaining the exemption in this case, and that the information remains to be withheld.

I trust this answers your request for information, however, should you not be satisfied with the information supplied or the process of supplying it, you have a right to complain and request a review. You should forward your complaint to:-

Mr Stuart Morris

Chief Digital Officer

Velindre NHS Trust

2, Charnwood Court

Heol Billingsley

Parc Nantgarw

Cardiff / Caerdydd

CF15 7QZ

Tel / Ffon - 029 20196161

Should you wish to take your complaint further, if you are still unhappy with the decision after review, you can contact the:-

Information Commissioner's Office - Wales

2nd Floor,

Churchill House,

Churchill Way,

Cardiff,

CF10 2HH

Telephone: 029 2067 8400

fax: 029 2067 8399

email: [wales@ico.gsi.gov.uk](mailto:wales@ico.gsi.gov.uk)

Yours sincerely

Julie Mann

Communication and Compliance officer

Velindre NHS Trust

2 Charnwood Court

Heol Billingsley

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