

Direct Line: 0300 062 8163

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24 July 2025

Dear ,

Reference ATISN 24846

Thank you for your information request received on 19 June 2025.

Your Request

- *Copy of investigation report(s) completed, as well as any associated improvement plans following the incident which occurred in August 2022*
- *Update on the ongoing formal review and assurance work*
- *Assurances on current arrangements in place, including the actions taken / improvements implemented in relation to the concerns associated with completing community mental health assessments, including:*
 - *Poor information sharing arrangements*
 - *Inadequate patient record management systems*
 - *Insufficient staffing capacity*
 - *Insufficient protective equipment available to staff*

Our Response

In responding to your request, we have decided that this information is exempt from disclosure. Our application of the exemption is set out in Annex A to this response.

**To check that healthcare services are provided in a way
which maximises the health and wellbeing of people**

**Gwirio bod gwasanaethau gofal iechyd yn cael eu darparu
mewn ffordd sy'n mwyaflu iechyd a llesiant pobl**

Llywodraeth Cymru / Welsh Government
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Information being withheld	Section number and exemption name
<ul style="list-style-type: none"> • June 2025 - Response to Concerns - Mental Health Act Assessment (MHAA) - Processes following August 2022 Incident • Root Cause Analysis (RCA) Joint Investigation Report PTHB & PCC. • Joint Action Plan 	<p>Section 41(1) <i>“Information is exempt information if -</i></p> <p><i>a) it was obtained by the public authority from any other person (including another public authority), and</i></p> <p><i>b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.”</i></p>

Next Steps

HIW operates within the Welsh Government’s framework for handling Freedom of Information requests. If you are dissatisfied with the Welsh Government’s handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government’s Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedomofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner’s Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex A

This Annex sets out the reasons for the use of the exemptions as outlined in the response.

Section 41(1) of the Freedom of Information Act covers information provided in confidence.

Section 41(1) states:

(1) *“Information is exempt information if -*

a) it was obtained by the public authority from any other person (including another public authority), and

b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.”

Section 41 is an absolute exemption and is not, therefore, subject to the public interest test. For the purposes of s41(1)(a), I can confirm that the information has been provided to HIW by another public authority. When considering whether to release the information, HIW engaged with the public authority, and they did not provide consent to disclose the information, and we therefore believe we would be breaching their confidence by doing so.

‘Confidential’ is not defined in the Act; it’s a common law concept and the test of confidentiality involves determining whether information was obtained in confidence, whether the information has the necessary ‘quality of confidence’ and whether its disclosure would constitute an actionable breach of confidence.

We have decided to withhold the information from being released into the public domain as it contains information that was provided in confidence by a health board.

In light of the above, the information has been withheld under Section 41 (1) of the Freedom of Information Act.