

Freedom of Information Request

Ref: 24-917

20 December 2024

By Email

Dear Sir/Madam

Thank you for your request for information under the Freedom of Information Act 2000. The Trust's response is as follows:

- We can confirm that we do hold the information you are requesting

I wish to make a repeat of the freedom of information request made last year in relation to the Bristol Children's Hospital and the Regional Hub for Gender Services when you replied at that time that no communications were available in relation to the new Gender Services.

I also repeat the FOI in relation to the post of [REDACTED], and as predicted in my previous FOI request, i note that [REDACTED] has been appointed a post in the new Gender Services as I previously predicted. I wish to raise an official complaint about the processes and lack of transparency in how this has occurred? Please advice of the process for making an official complaint on this matter.

I also wish to raise an official complaint that [REDACTED], as an NHS employee has attended and presented at the SEGM conference. This group is classed as a transphobic hate group by the Southern Poverty Law Center. Therefore it is extremely worrying that an employee of an NHS Trust and an NHS Gender Service is presenting at the conference of a Trans Hate group? This is completely unacceptable and I wish to raise an official complaint. Again, please advise of the complaint process?

I await your response to the FOI's and the information in relation to your complaints process.

1) It is my understanding that Bristol Children's Hospital may be appointed as a Regional Hub in relation to Children & Adolescents Gender Services currently under review by the Cass Review.

Can you please confirm this and provide all communications and emails in relation to the design and potential commissioning of these services.

2) It is my understanding that a Clinical Psychologist, [REDACTED], was recently appointed to a new post within the Bristol Children's Hospital. It is also my understanding that the post to which [REDACTED] was appointed was not advertised in line with NHS Policy. If I am mistaken in this belief, can you please signpost to the external or internal advert for this substantive post? Please provide details under FOI on the process for advertising and recruitment to this post?

3) It is also my understanding that the rationale for appointing [REDACTED] to this post is for [REDACTED] then to be appointed as Clinical Lead for the Children and Adolescent Gender Services as the Bristol Hub is commissioned.

This appointment, seemingly without a proper advertisement and application process, seems to be contrary to NHS recruitment policies? At this stage I wish to hear your response to the above. And if satisfactory replies are not given then I will reserve the right to make a formal complaint.

We have previously responded to your request above, ref 23-278. Due to your repeated request and the nature of the language and allegations made against the Trust's staff, we are now applying a Section 14 Refusal Notice after considering this request vexatious.

Refusal Notice – Section 14(1) of the Freedom of Information Act 2000

The right of access to information is not without exception and is subject to a number of exemptions and other provisions under the Act, including section 14(1) of the FOIA which provides:

'14 Vexatious and repeated requests

Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.'

In ICO Decision Notice FS50493150, the Information Commissioner's Office clarified that the term vexatious is not defined in the FOIA. The Upper Tribunal also considered the issue of vexatious requests in the case of the *Information Commissioner v Devon County Council & Dransfield* (Upper Tribunal Case No. GIA/3037/2011). The Tribunal commented that vexatious could be defined as the 'manifestly unjustified, in appropriate or improper use of a formal procedure'. The Tribunal's definition clearly establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious. The Trust believe that the current request is vexatious because it contains aggressive language and unfounded accusations. There is no public interest test so we have not gone on to consider the same. The Information Commissioner's Office (ICO) has provided guidance on dealing with vexatious requests and states:

'The Freedom of Information Act was designed to give individuals a greater right of access to official information with the intention of making public bodies more transparent and accountable. Whilst most people exercise this right responsibly, a few

may misuse or abuse the Act by submitting requests which are intended to be annoying or disruptive or which have a disproportionate impact on a public authority.'

The ICO further recognises that 'dealing with unreasonable requests can place a strain on resources and get in the way of delivering mainstream services or answering legitimate requests'. Furthermore, these requests can also damage the reputation of the legislation itself. ICO guidance reminds public authorities that section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress. The ICO also states the emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal when it defined the purpose of section 14 as 'section 14 ... is concerned with the nature of the request and has the effect of disapplying the citizen's right under section 1(1) ... the purpose of section 14 ... must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA ...' To assist public authorities the ICO guidance has provided a number of indicators as typical key features of a vexatious request. These are:

- Burden on the authority
- Disproportionate effort
- Abusive or aggressive language
- Personal grudges
- Unreasonable persistence
- Unfounded accusations
- Intransigence
- Frequent or overlapping requests
- Deliberate intention to cause annoyance
- Scattergun approach
- No obvious intent to obtain information
- Futile requests
- Frivolous requests

Having reviewed your request, we have determined that the following two factors are relevant in deeming your request vexatious:

- Aggressive language
- Unfounded accusations

This concludes our response. We trust that you find this helpful, but please do not hesitate to contact us directly if we can be of any further assistance.

If, after that, you are dissatisfied with the handling of your request, 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:

Data Protection Officer
University Hospitals Bristol and Weston NHS Foundation Trust
Trust Headquarters

Marlborough Street
Bristol
BS1 3NU

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Publication

Please note that this letter and the information included/attached will be published on our website as part of the Trust's Freedom of Information Publication Log. This is because information disclosed in accordance with the Freedom of Information Act is disclosed to the public, not just to the individual making the request. We will remove any personal information (such as your name, email and so on) from any information we make public to protect your personal information.

To view the Freedom of Information Act in full please click [here](#).

Yours sincerely

Freedom of Information Team
University Hospitals Bristol and Weston NHS Foundation Trust