

FOI337 Response

Request

Thank you for your email 02/03/2021.

The FOI Responses by BSMHFT are unsatisfactory:

(1) BSMHFT has failed to provide a copy of any legal/lawful contract with respect to the NHS Trust's activities as an employer of Trainee Clinical Psychologists. The Trust is an employer of Trainee Clinical Psychologists, which are NHS employment posts commissioned by Health Education England. Health Education England commissions the NHS employment posts and provides Public Money for the salaries and vocational employment training of NHS employees (generically referred to as Trainee Clinical Psychologists).

HEE commissions the NHS employment posts on behalf of the Secretary of State for Health and Social Care, who allocates Public Money to HEE for the employment and vocational employment training in clinical psychology of NHS employees.

In 2017 and 2018, HMRC wrote to BSMHFT reiterating to the NHS Trust the HMRC legal ruling that Trainee Clinical Psychologists are NHS employees employed by NHS Trusts to do a job of work; and that Trainee Clinical Psychologists are not trainees on training contracts and not university students.

Other NHS Trusts wrote to their employees (Trainee Clinical Psychologists) notifying their employees of the employees' legal status as NHS employees as ruled by HMRC.

It is not legally permissible for BSMHFT to conduct activities pertaining to the commissioned NHS employment posts without their being in place a legal/lawful contract for those activities.

Therefore, BSMHFT is requested to provide detailed clarification as to why the NHS Trust has responded to the FOI Request by asserting that no such contract exists between BSMHFT and HEE?

Please note that the Information Commissioner has declared that it is an offence under s.77 FOI Act 2000 to evade disclosure of information, and/or to issue false information, and/or to issue false statements with the intention of concealing information that would otherwise be subject to disclosure under the FOI Act 2000.

(2) BSMHFT has failed to provide the information requested in part 2.5 (qualifications).

BSMHFT has wrongly applied s.12 FOI Act 2000 in order to refuse disclosure of the information requested in part 2.5.

BSMHFT has failed to provide an assessment of alleged time/costs; and has exaggerated the costs.

In order to process applications for employment BSMHFT should have a clear record of the qualifications of those persons offered employment.

Other Public Authorities have readily provided information of the same type requested herein.

Response

Health Education England (HEE) commission Higher Education Institutions (HEI) to provide clinical psychology doctorate training to an agreed number of individual's each year.

HEE therefore commission/ fund the University of Birmingham (UoB) to admit suitable candidates and deliver the clinical psychology training.

The Trust has an arrangement with UoB to provide a training programme to those that have been admitted to the trainee doctorate course to participate in the clinical psychology doctorate training.

Please note that HEE provide the Trust with the clinical psychology doctorate trainee income via a wider Learning and Development Agreement (LDA).

The Trust does not have a contract with HEE for the provision of Employment and Pre-Registration Training in Clinical Psychology. Rather HEE have a contractual relationship with UoB to deliver clinical psychology training against an agreed schedule and number of places.

Regarding the trainee clinical psychologist's qualification, the Trust is of reasonable opinion that the requested data cannot be provided. This is because the information is not readily captured within our systems but rather in each trainee's personal file.

Obtaining the requested information will require a manual search and collation which exceeds the 18 hours threshold of carrying out this task.

The Trust recommends redirecting this aspect of the request to UoB as they are commissioned to recruit the participants for the clinical psychology doctorate training, and therefore will hold details of academic access requirements that are consistent across all University clinical psychology training.