

## **FOI 0159/2025 Response**

### **Request**

Dear Sir/Madam,

Request for Information under the Freedom of Information Act 2000

Information on late payment

This is a request under FOIA for details of instances in which Birmingham and Solihull Mental Health NHS Foundation Trust (including, where applicable, any agencies, bodies, or units for which it is ultimately responsible for supplier payments) has failed to pay its suppliers on time, thereby causing liabilities for late payment compensation and/or interest on late payments to be incurred for the public purse.

As the Government has made clear, late payment remains a significant issue for business and a drag on the UK economy as a whole. It is clear that, despite what the law says, many suppliers have not received timely payment or the interest and compensation for late payment to which they are entitled by statute.

Public authorities must keep information on payment in order to comply with their legal obligations, and there is a public interest in ensuring both compliance and that unpaid interest and compensation is recovered from public authorities. If proper records are kept as they ought to be, then information in this respect ought readily to be available.

The information requested below is not confidential, and its disclosure under FOIA is not capable of adversely affecting any party commercial interests. This is because this request is aimed at data about late payment liabilities that have in fact arisen: the disclosure of this data cannot cause any additional liability to arise. We therefore do not anticipate any reasonable grounds for refusing this request.

In any event, there is strong public interest in transparency about these matters. Relevant factors in this respect include: enhancing public understanding and scrutiny of issues of significant importance to stewardship of the public purse and to economic growth; facilitating an informed debate about compliance by your authority with its contractual obligations and with Government policy; helping businesses that suffer from late payment (many of which are small and medium-sized enterprises), and encouraging improvements in payment practices by public authorities such as yours.

With the above points in mind, we request under FOIA that you provide, (preferably in Microsoft Excel or an equivalent machine-readable format) the following information in respect of suppliers which were not paid in within 30 days for the period starting 1 April 2019 to the date of this request:

1. Supplier Name
2. Invoice Date
3. Gross Invoice Value
4. Payment Date
5. Late Payment Compensation or Interest Paid (if any)

Clarification:

We reiterate that this request:

(a) is limited to information which should (if proper records are kept) be readily available from a purchase ledger system and should therefore be possible to retrieve without any difficulty and without imposing any significant burden;

(b) relates to organisations (not individuals) who are entitled to be paid out of public funds for public services, and we do not require the disclosure of any personal information of any individual person;

(c) does not require the disclosure of any confidential information or information to the production of which there could be any other lawful objection.

Compliance Assistance:

While we do not anticipate any grounds on which the requested information can lawfully be withheld, we nonetheless remind you of your duty under section 16 of FOIA to advise and assist requesters.

If you consider that it may be impracticable to provide all the requested information within the statutory timescales, then we shall be pleased to discuss with you the reasons for this, and to see what steps may reasonably be taken in order to address these.

For example, we would be content to receive the information in several parts, in another convenient format (such as that which you may already have), or to prioritise (such as by the provision of greater value items, or by date).

If there be any other steps which you think could reasonably assist in providing the information, or refining the request, then please let me know.

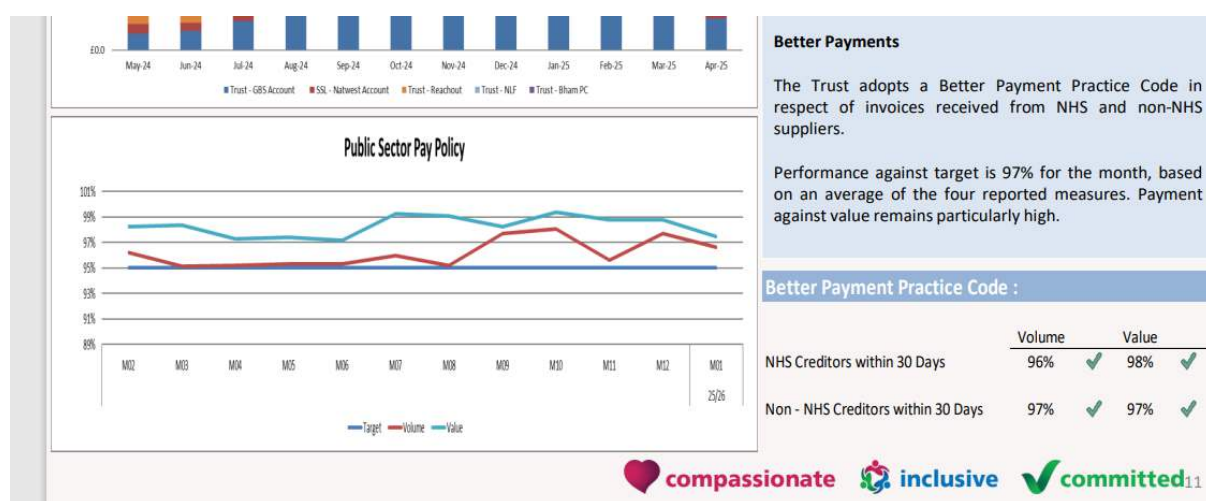
## Response

The Trust is committed to ensuring that suppliers are paid as promptly as possible, but after appropriate checks are completed.

The Trust already publishes our transparency spend data on our external website, which might be of help.

Please see link below. [Financial transparency - Birmingham and Solihull Mental Health NHS Foundation Trust](#)

The Trust also publishes on a monthly basis its performance against the Better Payment Practice Code as part of the finance report, included in our publicly available Trust Board papers – the extract below is from our most recent board meeting in June 2025.



The Trust believes that sharing the granular details requested could be used maliciously and therefore expose the Trust to fraud related harm and subsequent financial loss.

As the Trust is a public funded body, there is an argument that it is in the public interest to not release the details in order to preserve and protect taxpayers' money.

The Trust therefore rely on exemption Section 43 of the Freedom of Information Act 2000 to deny this aspect of your request.