



**Kent and Medway**  
**NHS and Social Care Partnership Trust**  
**Information Governance Department**

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Our Reference:  
 Your Reference:

29 June 2022

Sent via email

Dear Sirs

**Request for Information**

I write further to your request FOI ID 31936 under the Freedom of Information Act 2000 regarding:-

Section 49 Reports

Your request is set out below in italics:

I am writing to you under the Freedom of Information Act 2000 to request the following information regarding section 49 of the Mental Capacity Act.

TRUST: Kent and Medway NHS and Social Care Partnership Trust	
Question	Response
1. Has the number of section 49 requests received by your Trust increased over the last 5 years – if you keep a record of this information please can you include this	No
2. How is this report allocated within your Trust and does this vary if : a) the person is known to a clinical team or b) the person has not had any previous contact with the Trust	If the person is not know to the service, the report is completed by our Executive Medical Director. If the person is known to he service, the report is completed by their treating clinician or another member of the team.
3. Is it always Consultant Psychiatrists or psychologist that completes the section 49 report or do other professional groups ?	All are completed by either psychiatry or psychology but not necessarily a Consultant.
4. Does the report writer complete this as part of their contractual arrangements with the NHS Trust?	Yes
5. Does the report writer receive a payment for completing the section 49 report- if so, how much is the payment?	No
6. Does the completion of section 49 reports present a problem to your Trust in terms of workload pressures and capacity?	Yes

**We are proud to be smoke free**

Trust Chair – Dr Jackie Craissati  
 Chief Executive – Helen Greatorex

7. Have you had to agree to pay an independent expert to complete the section 49 report? If so can you give an indication of the cost?	No
8. Have you considered any other solutions to assist your Trust in complying with the request for a section 49 report i.e. expert witness training for those with appropriate clinical experience to undertake the report, payment of a fee etc	Training is provided in-house by Legal Services and the Executive Medical Director.

I confirm that the information above completes your request under the Freedom of Information Act 2000. I am also pleased to confirm that no charge will be made for this request.

If you have any questions or concerns or are unhappy with the response provided or the service you have received you can write to the Head of Information Governance at the address on top of this letter. If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision.

Yours Sincerely

On Behalf of  
The Information Governance Department