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Request for Information Reference: 11.23.18

FOI Direct line: 01325 743700
Email: cdda-tr.cddftfoi@nhs.net

Email only

6th December 2023

Dear

Freedom of Information Act 2000 – Request for Information

Thank you for submitting a request for information which we received on 8th November 2023 in relation to County Durham and Darlington NHS Foundation Trust (the Trust). Your request has been processed under the provisions of the Freedom of Information Act 2000 and I am now able to provide you with a response.

Your request was in relation to SI Report and I am providing the following information in response to your specific questions:

Excluding reports relating to incidents of self-harming behaviour, disruptive/aggressive behaviour and patient abuse, please provide me with the most the five most recent ‘serious incident reports’ (or ‘patient safety incident reports’ or ‘root cause analysis investigation reports’) relating to incidents which have occurred in the following departments:

general surgery
paediatrics

I understand you may want to redact some patient information. Please see the attached SI report from Hull University Hospital Trust which demonstrates how this can be done. You cannot deduct the time taken to carry out these redactions from the overall time period you have to respond to this request.

Please see the attached spreadsheet which contains the incident information, lessons learned and recommended actions for each of the five serious incidents requested.

Please note that the Trust has reviewed your request to release the full serious incident report and feels that to disclose this information would breach one of the data protection principles contained in the Data Protection Act 2018 (which supplements the EU General Data Protection Regulation (GDPR) which came into effect in May 2018) in that it would render it possible to identify the individuals. While we appreciate that the report could be redacted, the Trust does not feel that it would be able to redact this sufficiently in order to prevent patients to be identified. Sections of the report such as patient histories and timelines, even with redactions, may contain sufficient information to enable a third party with other local information to hand; for example, a neighbour, to identify the individual. We do not believe that it would be fair to the individuals for their identities to be made public. The Trust therefore believe that the exemption contained within section 40 of the Act is engaged.

The Trust has assessed the risk that the identities of the individual patients could be inferred, and judges that possibility to be real. It is has therefore taken the decision to withhold this information under Section 40 of the Freedom of Information Act. The Trust is relying, in part, on the absolute exemption available under Section 40(3) (a) (i), where information would be shared in contravention of the principles in the Data Protection Act and the qualified exemption in Section (40) (3) (a) (ii), where the numbers published could allow the identify of individual patients to be inferred causing damage or distress to themselves or their families. The Trust has weighed the public interest in preventing that distress with the public interest in transparency and in understanding whether the Trust is learning from incidents effectively and has concluded that the former interest carries greater weight. In weighing up both interests, we consider that is not necessary to disclose the full report in order to be transparent on serious incidents and the related learning and actions which stem from the investigations. We already report serious incidents and learning in the Patient Safety and Experience Reports provided to each open meeting of the Trust Board, as published on our website.

Should there be further information you were seeking in respect of the incidents, please let us know and we will work with you to provide what information we are able to without risking patient identification.

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log on the Trust's website. However please be assured that we anonymise all responses prior to adding them to the disclosure log.

I hope that this response has provided you with the information you had requested. If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me by telephone or in writing. If however, you are dissatisfied with the way in which your request has been handled and would like an internal review, you will need to contact me in writing at the above address or via cdda-tr.cddffoi@nhs.

If you remain dissatisfied with our response following an internal review you have the right to appeal to The Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. More information is available on their website; www.ico.gov.uk.

Yours sincerely

Corporate Records and Freedom of Information Facilitator