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Request for Information Reference: 12.20.40

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Email only

21 December 2020

### **Freedom of Information Act 2000 – Request for Information**

Thank you for submitting a request for information which we received on 21 December 2020 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 reports and I am providing the following information in response to your specific questions:

#### **Please release any final reports into your Trust/ your Trust's hospitals that were the result of a review by the Royal College of Paediatrics and Child Health between 1 January 2016 and 1 January 2020?**

The Trust commissioned a report from the Royal College of Paediatrics and Child Health, in December 2017, to inform a review of options to develop and sustain Paediatric services within the Trust. The final report was received in June 2018.

The report into Paediatric Services was received in a Private and Confidential meeting of the Board, in July 2018, as it set out draft options and recommendations to inform future developments. Updates on the development of the Paediatric service have subsequently been provided in public meetings of the Board and the Council of Governors.

The Trust is exempting the report from release under Section 36 (2)(b)(ii): Information which would/ or would be likely to prejudice the conduct of public affairs. This is on the grounds that the publication of the report would inhibit the free and frank exchange of views by decision-makers.

The report was commissioned to provide independent, expert views on options to address service risks and challenges on a confidential basis. The many staff, clinicians, clinical leaders and senior managers who contributed to the review understood that their views were being shared on a strictly confidential basis and the report makes this clear. The review was wide ranging and the report includes opinions and suggestions from both the reviewers and internal interviewees which (although summarised) cover not only the Trust but links and interfaces with primary

care, commissioners, the wider system and neighbouring Trusts. The report includes consideration of options by site, and frank views on service challenges and risks. If the interviewees had understood/ anticipated publication of the report they would not have shared views freely and frankly, or put forward a range of raw options without inhibition. This would, in turn, have defeated the Trust's purpose in commissioning the advice and undermined the Clinical Leadership and the Board's ability to make fully informed decisions.

In addition, the Board needed the ability to review the report and to discuss it freely and frankly in making such decisions.

Publication of the report would therefore establish a precedent which would inhibit staff, clinical leaders and reviewers from sharing views openly and honestly in order to fully inform the consideration of raw options in forming policy/ strategy in future. There is a strong public interest in preserving the ability of a public authority to obtain full views and information from its staff in order to make the most informed and best decisions in the interests of patients when challenges and risks are experienced, which would be likely to be compromised by the fear that views would be published even in summary form. The Trust acknowledges a public interest in transparency with respect to decision making and the rationale for options and decisions put forward. This interest would however, normally be served by due process of public engagement should there be a need for options to be formally considered rather than at this very initial stage. In this specific case, it was not necessary to proceed to public engagement as noted below.

It should be noted that the extent of the above within the report is so extensive that a process of redacting the report would result in the report being difficult for the reader to understand.

In summary, the report set out staffing challenges in the current service and a number of options to address them. In the event, none of the options proved necessary as services were sustained by working –the existing staff and as a result of successful recruitment activity.

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. I am sorry that I have not been able to provide all of the information you requested, however I hope that my explanation as to why this is not possible has been satisfactory. 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](mailto: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](http://www.ico.gov.uk).

Yours sincerely

**Joanna Tyrrell**  
**Freedom of Information Officer**