

Date: **30 January 2019**

Our reference: **FOIRQ5525**

Dear Sir/Madam,

Thank you for your request for information, which we have processed under the Freedom of Information Act 2000. Please see our response to your following request for information:

**Your Request**

*Please see attached letter regarding FOI Request*

*Please reply to the following questions in relation to the last 3 full financial years for the Trust (I refer to this as being “the Period” in the text of the questions).*

[Your attachment contained questions 1-12 covering the last 3 financial years]

**Our Response**

**Please see our response to your following request for information from Great Ormond Street Hospital for Children NHS Foundation Trust (the ‘Trust’):**

1. *How many clinical incidents were recorded in the Local Risk Management Reporting System (LRMS) during the Period? **The Trust had 18631 incidents reported covering the last financial years 2016/2017, 2017/2018 and 2018/2019***
2. *How many of these were recorded as being incidents of a life-threatening or otherwise serious nature? **The Trust does not record incidents under the category of “life-threatening” incidents. We only record the outcome to the patient; but of those incidents 287 required escalation in treatment of some kind depending on the level of harm for each incident; but 50 were declared as serious incidents nationally for the period specified, however, it does not always correspond to any patient harm.***
3. *During the Period, how many cases have occurred (whether or not also recorded in the LRMS) whereby an employee or other worker (all of whom for the purpose of this FOI request I shall call Workers) has raised a concern whether about patient safety, clinical or non-clinical malpractice or any other matter? **Two***

*Note: for the purpose of clarity, I refer here to cases which would usually be considered to be “whistleblowing” cases (this may be the case regardless of whether the concern was raised internally, with a line manager or other person within the Trust, or externally, with another organisation such as another NHS body or a regulator such as the CQC). I will refer to these cases in the questions below as Whistleblowing Cases and to the Workers who raise the concern as Whistleblowing Workers. I have tried to explain in some detail in order to be as clear as possible about my enquiry and to assist you in responding accurately.*

4. *Of the Whistleblowing Workers who raised concerns during the Period, how many are still working for the Trust and how many are no longer working for the Trust?* **One member of staff left the Trust**
5. *Of the Whistleblowing Cases which arose during the Period:* **Please see our response to your points below:**
  - 5.1 *how many were resolved satisfactorily (by which I mean any clinical, malpractice or other issues were addressed and any dispute with the Whistleblowing Worker was amicably resolved)?* **Both**
  - 5.2 *how many cases were Employment Tribunal (ET) proceedings or other legal proceedings started?* **None**
  - 5.3 *how many were resolved by ACAS intervention before the ET or other hearing?* **None**
  - 5.4 *how many were the subject of other attempts at mediation or other form of alternative dispute resolution (eg clinical early evaluation), whether by internal NHS Staff who mediated or by an external mediation provider such as CEDR (the Centre for Effective Dispute Resolution)? I refer to these below as ADR Cases;* **None**
  - 5.5 *how many went to a full ET hearing?* **None**
6. *In relation to the ADR Cases:* **No cases have been settled by the ADR Procedures. We cannot therefore respond to your following points.**
  - 6.1 *how many were the subject of a mediation at any stage?*
  - 6.2 *how many were the subject of another form of alternative dispute resolution (eg arbitration) at any stage?*

6.3 how many were resolved by means of the mediation or other form of alternative dispute resolution?

6.4 does the Trust use internal NHS mediators and are they formally qualified as mediators? If so, how many ADR Cases did they settle during the Period

6.5 does the Trust engage external mediation providers such as CEDR (see above)? If so, how many ADR Cases did they settle during the Period?

7. Does the Trust have a main board director with explicit responsibility for monitoring and reviewing Whistleblowing Cases and if so: **Yes, please see our response below:**

7.1 what is his/her name? **James Hatchley \***

**Please note:** \* the named persons have refused consent for their above personal data to be used for direct marketing purposes.

The Privacy and Electronic Marketing Regulations state that an individual must consent to processing of their personal data for marketing purposes. Re-use of their data for this purpose without explicit consent would therefore be a breach of their rights under the Data Protection Act 2018.

The Trust takes breaches reported by our staff seriously and we will make relevant complaints, including referrals to the Information Commissioner, if necessary.

7.2 is he/she an executive or non-executive director?

**Non-Executive Director**

7.3 how many Whistleblowing Cases were referred to the director during the Period? **Two**

7.4 does the director issue a report (eg annually) as to his/her findings? If so, please provide a copy of any such report issued during the Period; **Yes, but the report is considered to be sensitive and personal information and cannot be disclosed into the public domain. Please see note below \*\***

**Please note:** \*\*The Trust is unable to respond to information where there have been fewer than five data subjects (<5) within the context of your request for information. Great Ormond Street Hospital for Children NHS Foundation Trust (the 'Trust') is withholding this information under Section 40 of the Freedom of Information Act (FOIA) 2000 in order to reduce the risk of identifying an individual. The Trust's view is that in

providing this information it would significantly increase the risk of individuals being identified. The Trust believes that Section 40(2) of the FOIA is applicable in withholding the information where disclosure could lead to individuals being identified and therefore considered to be a breach of their rights under the Data Protection Act (DPA) 2018.

The Trust also has a duty of confidentiality and holds the view that Section 41(1) of the FOIA where information has been provided in confidence is applicable for the reasons that the information was obtained by the Trust, which has necessary quality of confidence (being neither generally accessible nor trivial) and disclosure of this information to the public would give rise to an actionable breach of confidence under Section 41(1) of the FOIA. A breach of this expectation would have the effect of the information being processed unfairly regarding the personal data and confidentiality relating to third party information. Your request is therefore exempt under both Section 40(2) and Section 40(1) of the FOIA.

*7.5 is any report issued by the director made public or shared with any third parties and if so, who?* **Please see our response to point 7.4 as the report is not shared in the public domain.**

8. Does the Trust have a whistleblowing policy? How many concerns were raised under the policy in each of the last 3 full financial years? **Two**
9. Please provide the name and full contact details for the Local Freedom to Speak Up Guardian (the Local Guardian) for the Trust. Is the Local Guardian a main board director of the Trust? **Luke Murphy \* (Non-board director)**

**Please note: \* the named persons have refused consent for their above personal data to be used for direct marketing purposes.**

The Privacy and Electronic Marketing Regulations state that an individual must consent to processing of their personal data for marketing purposes. Re-use of their data for this purpose without explicit consent would therefore be a breach of their rights under the Data Protection Act 2018.

The Trust takes breaches reported by our staff seriously and we will make relevant complaints, including referrals to the Information Commissioner, if necessary.

10. How much did the Trust spend during the Period on legal and other professional fees for advice in connection with Whistleblowing Cases; **Our legal costs associated in settlement of this case was £7,258.49 (+VAT)**

11. How much did the Trust spend during the Period in making compromise or settlement payments to Whistleblowing Workers to settle their cases? **Nil**

12. Did the Trust enter into any Confidentiality Clauses or Non-Disclosure Agreements with Whistleblowing Workers during the Period and if so how many? **No**

Please note:

The information we have provided under the Freedom of Information Act 2000 is the information held on the date your request was received by the Trust.

We hope the information provided is sufficient and helpful in answering your questions or any issues or concerns. Should you have any further queries in relation to this request, please do not hesitate to contact the FOI Team and quote the above reference number on any related correspondence.

Re-use of information

The information provided is Trust copyright. You may re-use this Great Ormond Street Hospital for Children NHS Foundation Trust copyright information in accordance with the Open Government Licence:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/>  
(Please note that re-use of personal data is not allowed under this license.)

For information which is not Great Ormond Street Hospital for Children NHS Foundation Trust copyright, e.g. external websites, please contact the named party directly.

Yours sincerely

**Freedom of Information team**

Great Ormond Street Hospital for Children NHS Foundation Trust

Email: [foiteam@gosh.nhs.uk](mailto:foiteam@gosh.nhs.uk)

**[Enclosed – Your rights – see next page]**

### **Your Rights**

Should you have any questions relating to the response you have received to your request for information, please do not hesitate to contact the FOI Team. Alternatively, you are entitled to make a request for an internal review within two months from the date of receiving our final response to your original request. You can also write to the Head of Quality & Safety at the following address:

Quality & Safety team  
Great Ormond Street Hospital  
LONDON  
WC1N 3JH

If, however, you remain dissatisfied with the outcome of the internal review then you have the right to appeal to the Information Commissioner as the final stage of the FOI process. You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 0303 123 1113  
Fax: 01625 524510