Request title:
Serious Untoward Incidents 2013, 2014 & 2015

Further to your Freedom of Information request, the Trust has answered your questions in the order they appear in your request.

Request

I am requesting the following information under the Freedom of Information Act:

A list of all serious untoward incidents in the calendar year 2013, 2014 and 2015, for each hospital site you cover. I would like these broken down by each year and each hospital site if you cover more than one hospital.

I would like the details of each incident to include:

a) The date it occurred (or, if this is not easily possible, the date it was declared)

b) A description of the incident. I appreciate details of individual patients may need to be redacted, but I would like as much detail as you deem possible, for example "a male patient aged 65", or "a female patient aged 60-65".

c) The outcome of the incident (i.e what negative consequences followed)

d) The outcome of the internal investigation into the incident, including whether any disciplinary action has been taken.

Reply:

When considering the information provided, please bear in mind that the Trust employs over 6,500 staff and delivers over 300,000 outpatient attendances and over 115,000 daycase or inpatient admissions per year.

The following serious untoward incidents were reported to

2013   43
2014   31
2015   49

Location / Department
Wonford Hospital
Community Maternity

Category

Unexpected death / Intrauterine death

- Hospital acquired grade 3 pressure ulcer
- Unexpected admission to neonatal / adult intensive care unit
- Infection control
- Safeguarding
- Over 12 hour breach in department
- Slips / Trips / Falls
- Patient absconded
- Feeding tube incidents
- Missing case notes / confidential information leak
- Failure to act on test results
- Medication incident / Blood transfusion incident / Lab result error
- Complications of surgery / wrong site surgery
- Mental Health discharge issue
- Injury sustained during transfer
- Ward closure
- Delay in the care of a deteriorating patient
- Treatment delay

Please note:
In April 2015 the criteria for reporting under the Serious Incident Framework released by NHS England changed. Previously there were set criteria for reporting certain categories irrelevant of whether they were related to patient harm or whether they were preventable or not. Therefore there was a requirement to report all Maternal Transfers to ITU regardless of whether there was a failure in care or patient harm. This resulted in incidents being reported when actually the patient was transferred to ITU for a clinical reason and actually was done for good practice and no harm was seen.

In 2015 this standard reporting criteria was stopped and only incidents were there was significant harm / death or where significant care or service delivery issues were found are now reported. However, in July 2015 the Clinical Commissioning Group insisted on all patient falls resulting in a fracture to be reported. The Trust disputed this as actually some of them were unpreventable and some suffered injuries such as a broken finger rather than significant harm. In December the Trust ceased reporting these incidents. Therefore this resulted in a large increase in July to December which should now have reduced to normal levels.

In view of the above criteria changes, the Trust would like to provide the figures below as a comparison:

2013   43
2014   31 – under the new guidance 12 of these would no longer be reportable
2015   49 – of these we reported 15 fall fractures which did not meet the spirit of the reporting criteria but was due to CCG request. Also Level 2 ICO incidents are now reportable and 3 of these relate to those incidents.

The Trust is not willing to provide any further breakdown in relation to these incidents as this would lead to the possible identification of patients if this information was released into the public domain. Therefore the Trust is withholding this further breakdown of information, as it considers that this information would be exempt under section 41 (a+b) of the Freedom of Information Act. Please see the full Trust refusal notice below.

Section 41 refusal notice

41: Information is exempt information if –

(a) It was obtained by the public authority from any other person (including another public authority), and
(b) The disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

Section 41 of the Freedom of Information Act sets out an exemption from the right to know information, where the information requested was provided to the public authority in confidence with the expectation that the information would only be used/disclosed in accordance with the wishes of the confider. The information has been collected by the Trust in the course of the patients treatment and would form part of their health record, and the information contained within the health record would have been created as a result of information gathered with an expectation by the patient that it would be held in confidence.

On considering this, the Trust believes that in the context of health records, the responsibility of confidentiality is vital, as it reinforces and underpins the commitment of trust between patients and doctors, without which public confidence in the Trust may be damaged. Patients have a reasonable expectation that any information they provide will only be used to enable effective delivery of care and will be held under a duty of confidence. The ICO recognises in its guidance that section 41 will be particularly relevant to authorities holding information such as health records.

If there is a breach of confidence the confider <u>or any other party affected</u> may have the right to take action through the courts.

On considering the above points, the Trust has reached the conclusion that it will not divulge such information when there is no legal obligation to do so.