



**Wrightington,
Wigan and Leigh**
NHS Foundation Trust

Information Governance
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Ref: FOI2019/5748

Date Received: 31st October 2019

Response Due: 28th November 2019

8th November 2019

Dear

INFORMATION REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000

You asked:

I am submitting this freedom of information request for the purposes of my research and should be grateful for your response at your early convenience and in any event within the statutory deadline.

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).

1. How many clinical incidents were recorded in the Local Risk Management Reporting System (LRMS) during the Period?

Please see response below.

2. How many of these were recorded as being incidents of a life-threatening or otherwise serious nature?

In response to questions 1 and 2 – please see below data for the last 3 full financial years.

	16/17	17/18	18/19
No harm/injury	7466	8136	7845
Minor injury or full recovery in < 3 days	847	743	891
Short term (further treatment or procedure required)	243	171	215
Severe, permanent or long term (including prolonged psychological harm)	29	39	33

Death caused by incident	18	31	22
Totals:	8603	9120	9006

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? 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.

The last 3 years FTSU annual reports attached – they are also available on the internet. This information can be taken from these. Please note that within our FTSU reports the Trust refers to matters raised also, such as employee working relationship issues, that would not be considered to fall within the definition of ‘whistleblowing’, that being a matter that would be classed as a ‘qualifying disclosure’ in accordance with the Public Interest Disclosure Act 1996. For the purposes of this response and the following answers to the questions below, our answers are relating to those matters (and the employees who raised them, as defined by you as ‘Whistleblowing Workers’) raised within ‘the period’ and considered by the Trust as a ‘qualifying disclosure’.

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?

We would not be able to determine this as concerns were raised anonymously.

5. Of the Whistleblowing Cases which arose during the Period:

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)?

Detail provided in the attached reports.

5.2 in 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 (e.g. 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:

6.1 how many were the subject of a mediation at any stage?

None

6.2 how many were the subject of another form of alternative dispute resolution (e.g. arbitration) at any stage?

None

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

None

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?

The Trust has a team of trained mediators that are formally qualified.

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?

The Trust has had no requirement to engage any external mediation provider with relation to any whistleblowing case within the period.

7. Does the Trust have a main board director with explicit responsibility for monitoring and reviewing Whistleblowing Cases and if so:

7.1 What is his/her name?

Alison Balson, Director of Workforce. There is additionally a named non-executive director for FTSU – this is Claire Austin.

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

Executive Director and Non-Executive Director as per the above.

7.3 How many Whistleblowing Cases were referred to the director during the Period?

None

7.4 does the director issue a report (e.g. annually) as to his/her findings? If so, please provide a copy of any such report issued during the Period;

Reports provided to the Board of Directors annually – copies attached.

7.5 is any report issued by the director made public or shared with any third parties and if so, who?

The reports are published, along with Board papers, on our internet site and so are available to anybody that requires them.

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?

The Trust has a Freedom to Speak Up Policy. Number of concerns raised available in the reports.

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?

The Freedom to Speak Up Guardian is Claire Alexander, Director of Governance. She is not a main board director; however, is supported by an Executive Director and Non-Executive Director . Contact details are: FreedomtoSpeakUpGuardian@wwl.nhs.uk

10. How much did the Trust spend during the Period on legal and other professional fees for advice in connection with Whistleblowing Cases;

Zero

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

No compromise or settlement payments have been made to workers that have raised concerns.

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

I trust that this information is helpful to you, however if you are not entirely satisfied with this response please do not hesitate to contact the Information Governance Department on 01257 488271. If we do not hear from you within 28 days we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,



Sanjay Arya
Medical Director/Consultant Interventional Cardiologist

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If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally the ICO cannot make a decision unless you have exhausted the complaints procedure at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF