

Wrightington, Wigan and Leigh Teaching Hospitals

NHS Foundation Trust

Information Governance Department

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Email: foi@wwl.nhs.uk
Web: www.wwl.nhs.uk

Ref: FOI/2024/9891

Date Received: 24th May 2024

Response Due: 26th June 2024

Date: 21st June 2024

Dear Sir/Madam

With reference to your request for information received on 24th May 2024, I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information you have requested. A response to each part of your request is provided below.

In your request you asked:

We are requesting that you provide the following information:

- 1. Please confirm has your Trust adopted the Just Learning Culture in handling of concerns following receipt of Dido Harding's letter that was sent to all Chairs and Chief Executives of NHS Trusts and NHS Foundation Trusts dated 23 May 2019.**

Yes, confirmed.

- 2. Does your MHPS Procedure set out an informal process to deal with concerns pertaining to conduct/ capability of medical and dental staff, if so please provide details.**

No.

- 3. Please provide details of what training and support is provided by your Trust to Case Investigators and Case Managers when dealing with MHPS cases.**

No permanent training programme but occasional training by external training provides. Support is provided via Medical Director and the HR department.

- 4. Please can you confirm if your Trust has a Decision-Making Group and if so, please can you confirm who sits on this group/how this is constituted and its remit?**

- Doctor Related Concerns Meeting: Chaired by Medical Director/Responsible Officer, plus Deputy Medical Director, Chief People Officer and Strategic HR Lead. The meetings are minuted.
- To discuss any concerns within medical staff cohort predominately related to conduct and capability, agree any next steps, monitor progression until resolution, evaluate and create actions from any learning.

Please provide a breakdown of the requested information below for the period from May 2019 to date:

- 5. The number of cases of medical and dental staff that were handled and resolved via a Just Culture approach and informal process.**

2019 = <5

2020 = <5

2021 = 9

2022 = <5

2023 = <5

2024 = <5

- 6. The number of cases of medical and dental staff that were subjected to a formal MHPS investigation.**

2019 = 0

2020 = <5

2021 = <5

2022 = <5

2023 = 0

2024 = 0

- 7. The number of medical and dental staff that have been formally excluded under MHPS and the duration of the exclusion.**

Less than 5.

- 8. Where medical and dental staff have been formally excluded under MHPS please provide a breakdown of whether this was on grounds of a) a need to protect the interests of patients or other staff pending the outcome of a full investigation, and/or b) the presence of the practitioner in the workplace was likely to impede the gathering of evidence during the investigation?**

The Trust will not be providing this breakdown due to there being less than 5 cases. If we release this information, it could make the individuals involved identifiable.

- 9. How many medical and dental staff have been the subject of a formal process in relation to concerns over conduct and performance after they have made a protected disclosure (whistleblowing) following concerns over patient safety or other issues?**

0.

- 10. Please provide the number of medical and dental staff that were placed on restricted duties and the duration of these restrictions.**

Less than 5. The average duration was 3.5 months.

- 11. Please provide a breakdown of how many of these formal MHPS investigations were:**

- a. Resolved with no further action due to the concerns not being upheld**

0

- b. Resolved via an agreement to proceed through a disciplinary fast track process which avoided the need to proceed to a formal hearing**

0

- c. Proceeded to a formal hearing – conduct or capability (provide breakdown)**

Less than 5 conduct.

d. Other outcome - provide details

0.

12. Of the cases that proceeded to a formal hearing please confirm how many of these resulted in:

- a. No disciplinary sanction - because the allegation/concerns were not upheld**
- b. No disciplinary sanction - but ended with a recommendation for additional training/remediation/support**
- c. A disciplinary sanction – please confirm the level of this sanction (e.g. written warning/final written warning/dismissal)**
- d. Number of medical staff who appealed the disciplinary sanction and the outcome**
- e. Other outcome - provide details**

The Trust will not be providing the results for each specific case due to there being less than 5 cases. If we release this information, it could make the individuals involved identifiable.

13. Please provide length of time from start to finish of each MHPS case.

The average wait is 14 weeks. The Trust will not be providing the length for each specific case due to there being less than 5 cases. If we release this information, it could make the individuals involved identifiable.

14. Please can you provide an overall breakdown of the make-up of your medical and dental staff.

Please see attached document.

15. For all of the above requested information we are seeking a breakdown of this information by ethnicity, gender, grade (Consultant, SAS, Junior Doctor, LED), specialty, whether Full Time /Less than full time, and country of primary medical qualification.

The Trust is unable to provide the breakdown of this information due to the low numbers of cases listed above. If we release this information, it could make the individuals involved identifiable.

The Trust has a policy of not releasing information when the data involved is less than 5. This is because we feel that such low numbers could make the individuals involved identifiable and therefore may cause undue harm and distress.

To disclose this information would:

- a) Contravene the Data Protection Act principles in that it would amount to unfair and possibly unlawful processing, as there was a legitimate expectation by the third parties that this information would remain confidential, and
- b) Disclosure may cause damage or distress to the individual(s) involved, and that damage or distress would be unwarranted (section 10 of the DPA).

If you are not entirely satisfied with this response, please do not hesitate to contact the Information Governance Department via the email address provided. If we do not hear from you within 40 days, we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,



Juliette Tait
Chief People Officer

PLEASE NOTE:

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, Suite 9, Buckingham Row, Brick Kiln Lane, Wigan, WN1 1XX.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision at:

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

Helpline number: 0303 123 111