

20 February 2012

Ms D Havercroft

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By email

request-100931-95df7e85@whatdotheyknow.com

Dear Ms Havercroft

Request under the Freedom of Information Act 2000 (the “FOI Act”)

I refer to your email of 23 January 2012 in which you requested information under the FOI Act.

You made the following request:

“I am asking for the following:

- 1. Information possessed by Monitor that it regards as evidence that UHBT is not an outlier in comparison with other Trusts in terms of the clinical impact of histopathology on patient care.*
- 2. Information possessed by Monitor which it regards as demonstrating good practice and has seen performed in the governance of histopathology, and which supports Monitor's decision to remove UHBT's amber/red rating.*
- 3. Copies of all communications between Monitor, UHBT Board Chair Dr John Savage, CEO Mr Robert Woolley and NHS Bristol Chief Executive Ms Deborah Evans relating to UHBT histopathology concerns from June 2009 to the present – without redactions.*
- 4. Details of any processes Monitor may have put in place in respect of Foundation Trust applications that would now identify similar problems to the Bristol Histopathology concerns before a Trust was granted Foundation Status.”*

Monitor's role and our understanding of your request

In summary, pursuant to the National Health Service Act 2006, Monitor assesses whether applicants for foundation trust status should be granted that status under its assessment

process and once authorised requires NHS foundation trusts to comply with the terms of their authorisation and can take action in the event of concerns about such compliance.

Monitor keeps under review its assessment process, updating it in the light of experience as appropriate.

Within the terms of Monitor's statutory remit, Monitor does not directly make assessments of clinical or related matters. It takes into account relevant assessments from those directly responsible for regulation of such matters such as the Care Quality Commission and other relevant evidence where appropriate.

Accordingly, we have interpreted your request as follows:

Point 1: covering information that Monitor holds that could be relevant to the Trust and its performance in relation to the clinical impact of histopathology on patient care.

Point 2: covering information that Monitor holds that is relevant to governance of histopathology and relevant to Monitor's decision to remove the Trust's amber/red risk rating.

Point 4: covering information on the current assessment process applicable to all applicants for NHS foundation trust status.

Decision

I have set out the information that Monitor holds that is relevant to your request on the basis of the understanding of your request described above, in the table contained in the annex to this letter.

I have decided to give you access to part of the relevant information as indicated in that table and I am forwarding that to you separately.

I have decided not to allow you access to the remainder of the information on the basis of my assessment of the applicability of certain exemptions under the FOI Act as indicated in that table and described below.

Exemptions

Section 33(1)(b)

Documents have been withheld from release pursuant to section 33(1)(b) of the FOIA (prejudice to audit functions). This section states that information may be exempt from disclosure where this would be likely to prejudice the exercise of Monitor's functions in relation to the examination of the economy, efficiency and effectiveness with which other public authorities - the Trust in this case - use their resources in discharging their functions.

Monitor relies on the full and frank provision of information from the Trust in order to be able to effectively carry out its regulatory functions. This is an extension of one of our core regulatory principles which is to operate a 'trust-based' approach to our relationships with NHS foundation trusts. Accordingly, we would not wish to prejudice that relationship of trust and confidence if at all possible. There is potential prejudice to that relationship, and accordingly on the ability of Monitor to regulate the NHS foundation trust sector, if sensitive information which NHS foundation trusts provides to Monitor in good faith is disclosed. In consequence there is potential detriment to the system of regulation of NHS foundation trusts, the ultimate purpose of which is to safeguard and improve patient care. Our position, as expressed in our *Compliance Framework*, is to respect the confidentiality of information regarding by NHS foundation trusts unless the law requires disclosure.

Public interest test

This exemption can be overridden if the public interest demands disclosure. The test is whether "*in all of the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information*". Accepting that there is a general public interest in disclosing information to further the accountability of NHS foundation trusts and of Monitor to local people and to foster transparency, I am nevertheless satisfied that the public interest in preserving the relationship of trust and confidence and the free flow of information from NHS foundation trusts to Monitor that is vital for Monitor's regulation outweighs this.

I consider that there is a strong public interest in allowing the regulator of NHS foundation trusts to be able to carry out its functions efficiently and effectively – and to have the space and freedom to consider, without concern as to publication, whatever information it requires in such circumstances. Any disclosure, in particular premature disclosure, which would cause Monitor to have to reconsider requesting sensitive information which is necessary to carry out its statutory function of regulating NHS foundation trusts would be detrimental to the process of regulation.

Further, if commercially sensitive or confidential information is disclosed, NHS foundation trusts and other relevant third parties are likely to lose confidence in Monitor – or indeed, take action to prevent the disclosure of such information.

I have also considered the public interest in disclosing the information, in particular, in the context of the aims and objectives of foundation trusts to be accountable to local people, and also the public interest in Monitor itself being accountable for the regulatory functions it carries out. This has been taken into consideration in deciding to release the information that has been disclosed to you pursuant to the present request. However, the information to be withheld is the subject of recent and on-going regulatory supervision to assess whether circumstances exist or would arise which would justify regulatory action in pursuance of an enactment. In addition, Monitor makes public a considerable amount of information available as to its regulatory process. Further, a significant amount of information concerning the Trust's histopathology service has been made public in the context the Inquiry commissioned by the Trust, the report of which is one of the documents disclosed to you as indicated in the table in the annex.

In the circumstances, we consider that the public interest lies in favour of not causing prejudice to the regulatory supervision of the Trust and ensuring that the Trust and other NHS foundation trusts are not inhibited in providing future disclosures of a similar nature. Accordingly, I find that the arguments for disclosure do not outweigh those against in respect of the information to be withheld.

Section 31

Documents have been withheld under section 31 of the FOI Act on the grounds that disclosure of the information would or would be likely to prejudice the exercise by a public authority of its functions for the purposes of ascertaining whether circumstances exist or would arise which would justify regulatory action in pursuance of an enactment.

The regulatory framework operated by Monitor necessitates the generation of a significant amount of detailed information to examine whether an NHS foundation trust is exercising its functions in the prescribed manner described above. The regulatory process rests upon and demands full and frank disclosure of such information. Disclosure of this information is likely to prejudice the relationship between Monitor and the Trust and therefore likely to affect the ability of Monitor to carry out its functions effectively. Although Monitor has statutory powers that enable it to require NHS foundation trusts to provide information to it, Monitor is better able to exercise its functions if such information is provided voluntarily as part of an open relationship between regulator and the regulated. Furthermore, the information to be withheld is the subject of recent and on-going regulatory supervision to assess whether circumstances exist or would arise which would justify regulatory action in pursuance of an enactment. In addition, it is noted in this context and set out in more detail below, that some of this information is financially and commercially sensitive and or confidential.

Public interest test

For reasons similar to those set out in relation to section 31(1)(b) above, I am of the opinion that the public interest test which must be considered in relation to section 33 does not favour disclosure of the information to be withheld here.

Section 41

Documents not released under the exemptions set out above are considered exempt in whole or part also pursuant to the applicability section 41 of the FOI Act (information provided in confidence). There are 2 components to this exemption (1) the information must have been obtained by Monitor from another person and (2) disclosure of the information would give rise to an actionable breach of confidence.

The documents comprise of information provided to Monitor by a third person. I am of the view that the third party providing the information or other third parties named in the information could have an arguable case for breach of a duty of confidence in relation to the disclosure of the information concerned.

My reasons are as follows:

- The reasonable expectation in sending the documents was that some or all of the content within them would remain private and that it would only be used by Monitor for the specific and limited purposes of regulating the Trust.
- Such information was imparted in circumstances which created an obligation of confidence;
- The information is not trivial and is not readily available by other means.

Public interest test

The default public interest test inherent in section 41 is such that confidential information should not be disclosed unless the public interest in disclosure outweighs the interest in withholding the information.

For reasons similar to those set out in relation to section 31(1)(b) above, I am of the opinion that the public interest test which must be considered in relation to section 41 does not favour disclosure of the information to be withheld here.

Section 43

Documents not released under the exemptions set out above are considered exempt in whole or part also pursuant to the applicability section 43 of the FOI Act, (information relating to commercial interests).

As stated above, some of the information provided by or about the Trust in the regulatory process is commercially sensitive and its disclosure would be detrimental to the Trust's legitimate interests. For example, creditors and those seeking to negotiate contracts with the Trust could use the information to strengthen their own bargaining positions when negotiating for, or providing services to the Trust. Further, competitors may be able to use such information to their advantage to the detriment of the Trust's legitimate interests.

Whilst Monitor accepts that the sensitivity of some commercial information will not be everlasting, nonetheless, the sensitivity of information submitted by the Trust as part of recent and on-going regulatory supervision remains live.

Public interest test

For reasons similar to those set out in relation to section 31(1)(b) above, I am of the opinion that the public interest test which must be considered in relation to section 43 does not favour disclosure of the information to be withheld here.

Section 21

Some documents are already publicly available via the Trust's website and section 21 of the FOI Act (information accessible to the applicant by other means) is therefore engaged and Monitor is therefore not obliged to provide the documents concerned. However, in this case to assist you, I have provided them to you.

Redactions

Throughout the documents disclosed, I have made minor redactions to omit the names of certain individuals such as junior employees pursuant to section 40 of the FOI Act (personal information). The individuals can be identified from the information and the release of this information to you would amount to unfair and unlawful processing under the Data Protection Act 1998 in my view. In addition, I have redacted information from the documents disclosed that is not relevant to your request.

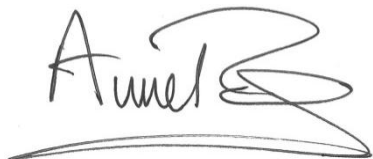
Review rights

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within Monitor of the issue or the decision. A senior member of Monitor's staff, who has not previously been involved with your request, will undertake that review.

If you are dissatisfied with the outcome of any internal review conducted by Monitor, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, Monitor, 4 Matthew Parker Street, London SW1H 9NP or by email to foi@monitor-nhsft.gov.uk.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Anne Fillis', with a long horizontal flourish underneath.

Anne Fillis
Portfolio Director

Annex

No	Document	Disclosure	FOI Exemptions (relevant sections) ¹
1. “Information possessed by Monitor that it regards as evidence that UHBT is not an outlier in comparison with other Trusts in terms of the clinical impact of histopathology on patient care.”			
Where documents referenced to below consist of communication which falls under part 3 of the request the document number as it appears in the response to part 3 below is provided in the brackets at the end of the description of the communication.			
1.	Independent Inquiry into Histopathology Services at UHB	Yes	21
2.	CQC Review of Compliance Report dated August 2011	Yes	21
3.	Email from Deborah Evans to Monitor dated 9 June 2009 – with attachments (1)	No	31, 33
4.	Email from Monitor to John Savage dated 9 February 2010 (5)	Yes	
5.	Email from Monitor to John Savage dated 9 February 2010 (6)	Yes	
6.	Email from Robert Wooley to Monitor dated 21 April 2010 (7)	Yes	(Redacted for relevance) 31, 33
7.	Draft Report – comments by Robert Woolley (9a)	No	33, 31
8.	Executive Summary (12a)	No	31, 33
9.	Briefing Note (12b)	No	31, 33
10.	Independent Inquiry into concerns about histopathology at UHB – Recommendations and Actions (16b)	Yes	
11.	Email from Robert Woolley to Monitor dated 22 March 2011 (20)	No	31, 33, 41
12.	Letter from Robert Woolley to Monitor dated 22 March 2011 under email cover (21)	No	31, 33
13.	Letter from Inquiry Chair to Robert Woolley dated 22 April 2010 (23c)	No	31, 33, 41
14.	Letter from Robert Woolley to Jane Mishcon dated 30 April 2010 (23d)	No	31, 33, 41
15.	Root Cause Analysis Investigation Report (dated 26 June 2010) (24a)	No	31, 33
16.	Email from Robert Woolley to Monitor dated 29 March 2011 (26)	No	31, 33
17.	Root Cause Analysis Investigation Report (26a)	No	31, 33

¹ The documents that have been disclosed (and withheld) are all subject to s.40 of the FOI Act and as such have been redacted as needed for data protection purposes.

18.	Recommendations from Histopathology Inquiry – Action Plan (26b)	Yes	
19.	Letter from Monitor to Robert Woolley dated 11 April 2011 under email cover (27)	No	31, 33
20.	Email from Robert Woolley to Monitor dated 21 April 2011 (28)	No	31, 33
21.	Letter from Robert Woolley to Monitor dated 21 April 2011 (28a)	No	31, 33
22.	Report to Monitor (28b)	No	31, 33
23.	Minutes of Extra-ordinary Private Session of the Trust Board Meeting held on 6 December 2010 (29a)	No	31, 33
24.	Minutes of Private Meeting of UHB Board of Directors held on 15 November 2010 (29b)	No	31, 33
25.	Minutes of Public Meeting of the Trust Board of Directors held on 28 March 2011 (29c)	Yes	21
26.	Minutes of an Extraordinary Private Meeting of the Trust Board of Directors held on 30 November 2010 (29j)	No	31, 33
27.	Root Cause Analysis Investigation Report (30c and 26a)	No	31, 33
28.	Minutes of Meeting of the Governance and Risk Management Committee held on 10 February 2011 (30d)	No	31, 33
29.	Extraordinary Executive Directors Meeting held on 22 March 2011 (30e)	Yes	
30.	Minutes of Public Meeting of Trust Board of Directors held on 28 March 2011 (30k)	Yes	21
2. “Information possessed by Monitor which it regards as demonstrating good practice and has seen performed in the governance of histopathology, and which supports Monitor's decision to remove UHBT's amber/red rating.”			
Where documents referenced to below consist of communication which falls under part 3 of the request the document number as it appears in the response to part 3 below is provided in the brackets at the end of the description of the communication.			
1.	Compliance Framework (in particular Chapter 3 on risk rating)	Yes	21
2.	Independent Inquiry into Histopathology Services at UHB	Yes	21
3.	CQC Review of Compliance Report dated August 2011	Yes	21
4.	Email from Deborah Evans to Monitor dated 9 June 2009 – with attachments (1)	No	31, 33
5.	Executive Summary (12a)	No	31, 33
6.	Briefing Note (12b)	No	31, 33
7.	Email from Deborah Evans to Monitor dated 16 December 2010 (15)	No	31, 33, 41
8.	Independent Inquiry into concerns about histopathology at UHB – Recommendations and Actions (16b)	Yes	

9.	Email from Robert Woolley to Monitor dated 22 March 2011 (20)	No	31, 33, 41
10.	Letter from Robert Woolley to Monitor dated 22 March 2011 under email cover (21)	No	31, 33
11.	Letter from Robert Woolley to Monitor dated 24 March 2011 (23a)	No	31, 33, 41
12.	Letter from Inquiry Chair to Robert Woolley dated 22 April 2010 (23c)	No	31, 33, 41
13.	Letter from Robert Woolley to Inquiry Chair dated 30 April 2010 (23d)	No	31, 33, 41
14.	Root Cause Analysis Investigation Report (dated 26 June 2010) (24a)	No	31, 33
15.	Email from Robert Woolley to Monitor dated 29 March 2011 (26)	No	31, 33
16.	Root Cause Analysis Investigation Report (26a)	No	31, 33
17.	Recommendations from Histopathology Inquiry – Action Plan (26b)	Yes	
18.	Letter from Monitor to Robert Woolley dated 11 April 2011 under email cover (27)	No	31, 33
19.	Email from Robert Woolley to Monitor dated 21 April 2011 (28)	No	31, 33
20.	Minutes of Extra-ordinary Private Session of the Trust Board Meeting held on 6 December 2010 (29a)	No	31, 33
21.	Minutes of Public Meeting of the Trust Board of Directors held on 28 March 2011 (29c)	Yes	21
22.	Minutes of Trust Executive Group Meeting held on 2 February 2011 (29d)	No	31, 33
23.	Letter from Robert Woolley to all Heads of Department dated 29 December 2010 (29e)	Yes	
24.	Minutes of an Extraordinary Private Meeting of the Trust Board of Directors held on 30 November 2010 (29j)	No	31, 33
25.	Root Cause Analysis Investigation Report (30c and 26a)	No	31, 33
26.	Minutes of Meeting of the Governance and Risk Management Committee held on 10 February 2011 (30d)	No	31, 33
27.	Extraordinary Executive Directors Meeting held on 22 March 2011 (30e)	Yes	
28.	Minutes of Public Meeting of Trust Board of Directors held on 28 March 2011 (30k)	Yes	21
29.	Terms of Reference – Audit committee (30o)	Yes	
30.	Draft Internal Audit Report: Divisional Governance Review (38a)	No	31, 33
31.	Q4 2010/11 Report to Trust Board June 2011 (40c)	Yes	
32.	Email from Robert Woolley to Monitor dated 1 July 2011 (41)	No	31, 33
33.	Email from Monitor to Robert Woolley dated 1 July 2011 (42)	No	31, 33

34.	Letter from Monitor to Robert Woolley dated 6 July 2011 under email cover (43)	No	31, 33
35.	Hathaway Report on Patient Safety and Risk Management Action Plan (44b)	No	31, 33, 41
36.	Email from Monitor to Deborah Evans dated 17 August 2011 (45)	No	31, 33
37.	Email from Monitor to Robert Woolley dated 6 September 2011 (46)	No	31, 33
38.	Letter from Monitor to Robert Woolley dated 8 September 2011 under email cover (47)	No	31, 33
39.	Email from Monitor to Deborah Evans dated 16 September 2011 (48)	No	31, 33
40.	Email from Robert Woolley to Monitor dated 20 January 2012 (49)	Yes	
3. “Copies of all communications between Monitor, UHBT Board Chair Dr John Savage, CEO Mr Robert Woolley and NHS Bristol Chief Executive Ms Deborah Evans relating to UHBT histopathology concerns from June 2009 to the present.”			
1.	Email from Deborah Evans to Monitor dated 9 June 2009 – with attachments	No	31, 33
	a. UHB Pathology Issues Timeline	No	31, 33
	b. Allegations of Pathology Misdiagnosis at BRI	No	31, 33
2.	Email from Deborah Evans to Monitor dated 11 June 2009	No	31, 33
3.	Email from Deborah Evans to CQC (Monitor CC’ed in) dated 1 July 2009	Yes	
4.	Email from Robert Woolley to Monitor dated 20 August 2009 – with attachments	Yes	
	a. Letter from Robert Woolley to Monitor dated 20 August 2009	Yes	
	b. Trust Board Meeting 28 August 2009 Histopathology Review	Yes	
	c. UHB Terms of Reference	Yes	
5.	Email from Monitor to John Savage dated 9 February 2010	Yes	
6.	Email from John Savage to Monitor dated 9 February 2010	Yes	(Redacted) 31, 33
7.	Email from Robert Wooley to Monitor dated 21 April 2010	Yes	(Redacted) 31, 33
8.	Email from Robert Woolley to Monitor dated 14 July 2010	No	31, 33
9.	Email from Robert Woolley to Monitor dated 30 September 2010 – with attachments	No	31, 33
	a. Draft Report – comments by Robert Woolley	No	33, 31
10.	a. Email from Robert Woolley to Monitor dated 22 October 2010 b. Email from Monitor to Robert Woolley dated 22 October 2010	Yes	

11.	a. Email from Robert Woolley to Monitor dated 22 October 2010 b. Email from Monitor to Robert Woolley dated 22 October 2010	Yes	
12.	Email from Robert Woolley to Monitor dated 3 December 2010 – with attachments	No	31, 33
	a. Executive Summary	No	31, 33
	b. Briefing Note	No	31, 33
13.	Email from Monitor to Deborah Evans dated 7 December 2010	Yes	
14.	Email from Deborah Evans to Monitor dated 7 December 2010	Yes	
15.	Email from Deborah Evans to Monitor dated 16 December 2010	No	31, 33, 41
16.	Email from Robert Woolley to Monitor dated 30 December 2010 - with attachments	Yes	
	a. Letter from Robert Woolley to Monitor dated 29 December	Yes	
	b. Independent Inquiry into concerns about histopathology at UHB – Recommendations and Actions	Yes	
17.	Email from Deborah Evans to Monitor dated 7 January 2011	Yes	
18.	a. Email from Deborah Evans to Monitor dated 10 January 2011 b. Email from Monitor to Deborah Evans dated 10 January 2011 c. Email from Deborah Evans to Monitor dated 10 January 2011	Yes	
19.	a. Email from Deborah Evans to Monitor dated 14 February 2011 b. Email from (Monitor) to Deborah Evans dated 14 February 2011	Yes	
20.	Email from Robert Woolley to Monitor dated 22 March 2011	No	31, 33, 41
21.	Letter from Robert Woolley to Monitor dated 22 March 2011 under email cover	No	31, 33
22.	Email from Monitor to Robert Woolley dated 23 March 2011	No	31, 33
23.	Email from Robert Woolley to Monitor dated 24 March 2011 – with attachment	No	31, 33
	a. Letter from Robert Woolley to Monitor dated 24 March 2011	No	31, 33, 41
	b. Provision of the Respiratory Pathology Service after February 2011 (Attachment to document a)	No	31, 33, 41
	c. Letter from Inquiry Chair to Robert Woolley dated 22 April 2010 (Attachment to document a)	No	31, 33, 41

	d. Letter from Robert Woolley to Inquiry Chair dated 30 April 2010 (Attachment to document a)	No	31, 33, 41
24.	Email from Robert Woolley to Monitor dated 28 March 2011 – with attachment	No	31, 33
	a. Root Cause Analysis Investigation Report (dated 26 June 2010)	No	31, 33
25.	Email from Monitor to Robert Woolley dated 29 March 2011	No	31, 33
26.	Email from Robert Woolley to Monitor dated 29 March 2011 – with attachments	No	31, 33
	a. Root Cause Analysis Investigation Report	No	31, 33
	b. Recommendations from Histopathology Inquiry – Action Plan (dated March 2011)	Yes	
27.	Letter from Monitor to Robert Woolley dated 11 April 2011 under email cover	No	31, 33
28.	Email from Robert Woolley to Monitor dated 21 April 2011 with attachment	No	31, 33
	a. Letter from Robert Woolley to Monitor dated 21 April 2011	No	31, 33
	b. Report to Monitor	No	31, 33
29.	Email from Robert Woolley to Monitor dated 5 May 2011 – with attachments	No	31, 33
	a. Minutes of Extra-ordinary Private Session of the Trust Board Meeting held on 6 December 2010	No	31, 33
	b. Minutes of Private Meeting of UHB Board of Directors held on 15 November 2010	No	31, 33
	c. Minutes of Public Meeting of the Trust Board of Directors held on 28 March 2011	Yes	21
	d. Minutes of Trust Executive Group Meeting held on 2 February 2011	No	31, 33
	e. Letter from Robert Woolley to all Heads of Department dated 29 December 2010	Yes	
	f. Medical Line Management	Yes	
	g. Role Description for Divisional Lead Doctor	Yes	
	h. Letter from Robert Woolley to Executive Directors dated 3 December 2010	Yes	
	i. Terms of Reference for the Trust Management Executive Group	Yes	
	j. Minutes of an Extraordinary Private Meeting of the Trust Board of Directors held on 30 November 2010	No	31, 33
30.	Email from Robert Woolley to Monitor dated 5 May 2011 – with attachments	No	31, 33
	a. Coversheet for Board Assurance Framework	Yes	
	b. Minutes of Meeting of Governors and Risk	No	31, 33

	Management committee held on 18 November 2010		
	c. Root Cause Analysis Investigation Report – Same document as 26a	No	31, 33
	d. Minutes of Meeting of the Governance and Risk Management Committee held on 10 February 2011	No	31, 33
	e. Extraordinary Executive Directors Meeting held on 22 March 2011	Yes	
	f. High Level Divisional Governance Review (Audit Terms of Reference)	Yes	
	g. Multi –Disciplinary Team Responsibilities	Yes	
	h. Coversheet for Proposed Board Governance Arrangements Briefing	Yes	
	i. Minutes of Meeting for Audit and Assurance Committee held on 8 March 2011	No	31, 33
	j. Board Governance – Committee Roles and Functions 2011	Yes	
	k. Minutes of Public Meeting of Trust Board of Directors held on 28 March 2011	Yes	21
	l. Patient Safety and Risk Management Review	Yes	
	m. Recommendations from Histopathology Inquiry – Action Plan – Same documents as 26b	Yes	
	n. Board Assurance Framework Report	Yes	
	o. Terms of Reference – Audit committee	Yes	
31.	Email from Robert Woolley to Monitor dated 5 May 2011 – with attachments	No	31, 33
	a. Summary Performance Report dated March 2011	Yes	
	b. Consultant Job Planning Guidance	Yes	
	c. Coversheet for Business Planning Process	Yes	
	d. Annual Medium Term Planning – Briefing to Trust Board	Yes	
	e. Log of serious concerns	No	31, 33, 41
32.	Email from Robert Woolley to Monitor dated 5 May 2011 – with attachments	No	31, 33
	a. UHB Newsbeat 18 April 2011	Yes	
	b. Whistleblowing Policy Flowchart (Appendix D)	Yes	
	c. Speaking out (Whistleblowing Policy)	No	31, 33
	d. Trust Executive Group – Revision of the Media Protocols dated 13 April 2011	Yes	
	e. Whistleblowing Policy Flowchart (Appendix E)	Yes	
	f. Partnership Agreement between North Bristol and UHB	Yes	
	g. Minutes of Private Meeting of Board of Directors	No	31, 33

	held on 21 January 2011		
	h. UHB Loud and Clear	No	31, 33
33.	Letter from Monitor to Robert Woolley dated 12 May 2011 under email cover	No	31, 33
34.	Email from Robert Woolley to Monitor dated 27 May 2011	No	31, 33
35.	Email from Robert Woolley to Monitor dated 3 June 2011 – with attachments	No	31, 33
	a. Report to Monitor – Evidence Log	No	31, 33, 41
	b. Operational Policy – Avon Brest Screening Unit	No	31, 33
	c. MDT Memo dated 15 March 2011	Yes	
	d. Multi Disciplinary Team Responsibilities – Same document as 30g	Yes	
	e. Minutes of Meeting for the Audit and Assurance Committee held on 8 March 2011 – Same document as 30i	No	31, 33
	f. Minutes of Public Meeting for Trust Directors held on 28 April 2011	Yes	21
	g. Job Description for Clinical Lead and Consultant in Cellular Pathology	Yes	
	h. Role Description for Divisional Lead Doctor	Yes	
	i. Performance Delivery Framework	Yes	
	j. Histopathology Raising Concerns Protocol	Yes	
	k. Letter from Robert Woolley to Executive Directors dated 3 December 2010 – Same document as 29h	Yes	
	l. Histopathology Double Reporting Protocol	Yes	
	m. Medical Line Management – Same document as 29f	Yes	
	n. Terms of Reference for the Trust Management Executive Group – Same document as 29i	Yes	
	o. Root Cause Analysis Investigation Report – Same document as 26a	No	31, 33
36.	Email from Robert Woolley to Monitor dated 3 June 2011 – with attachments	No	31, 33
	a. Patient Safety and Risk Management	No	31, 33
	b. Draft Internal Audit Report: Divisional Governance Review	No	31, 33
	c. Independent Inquiry into Concerns about Histopathology services at UHB – Same document as 16b	Yes	
	d. Quality Subgroup Meeting on 9 May 2011	No	31, 33
	e. Assessment of Harm caused to Patient Arising from Errors in Diagnostic Histopathology Reports from UHB	No	31, 33

	f. Minutes of Public Meeting of the Trust Board of Directors held on 28 March 2011 – Same document as 29c	Yes	21
	g. Minutes of Private Meeting on the Trust Board of Directors held on 18 March 2011	No	31, 33
	h. Recommendations from Histopathology Inquiry – Action Plan – Same document as 26b	Yes	
	i. Minutes of the Public Trust Board Meeting held on 27 October 2010	Yes	21
	j. Board Governance - Board Committee Roles and Functions – Same document as 30j	Yes	
	k. Summary Performance Report dated March 2011 - Same document as 31a	Yes	
	l. Minutes of Public Meeting of Board of Directors held on 28 February 2011	Yes	21
	m. Clinical Audit Forward Plan 2011/12	No	31, 33, 41
	n. Coversheet for Board Assurance Framework – Same document as 30a	Yes	
	o. Minutes of Trust Board Meeting held on 29 April 2010	Yes	
	p. Terms of Reference – Audit Committee – Same document as 30o	Yes	
	q. B1 Gynae Reports	No	31, 33, 41
	r. Coversheet for Proposed Governance Arrangements Briefing	Yes	
	s. Board Assurance Framework Report – Same document as 30n	Yes	
37.	Email from Robert Woolley to Monitor dated 8 June 2011 – with attachments	No	31, 33
	a. Tell us about your care – Histopathology Focus Groups	Yes	
	b. Focus Group Outcomes	No	31, 33
	c. UHB Newsbeat dated 18 April 2011 – Same document as 32a	Yes	
	d. Loud and Clear – Same document as 32h	No	31, 33
	e. Speaking Out (Whistleblowing Policy) – Same document as 32c	No	31, 33
	f. National Inpatient Survey and National Staff Survey	Yes	
	g. Trust Executive Group – Revision of Media Protocols dated 13 April 2011 – Same document as 32d	Yes	
	h. Partnership Agreement between North Bristol and UHB – Same document as 32f	Yes	
38.	Email from Robert Woolley to Monitor dated 8 June 2011 –	No	31, 33

	with attachments		
	a. Draft Internal Audit Report: Divisional Governance Review	No	31, 33
	b. UHB Patient Safety and Risk Management – Independent Evaluation Derek Hathaway	No	31, 33
39.	Email from Robert Woolley to Monitor dated 13 June 2011 – with attachments	Yes	
	a. Patient Safety and Risk Management Review – Same document as 30l	Yes	
	b. High Level Divisional Governance Review (Audit Terms of Reference) – Same document as 30f	Yes	
40.	Email from Robert Woolley to Monitor dated 23 June 2011 – with attachments	Yes	
	a. Coversheet for Report for Trust Board Meeting to be held on 28 June 2011	Yes	
	b. Q4 11/11 Reporting Executive Summary	Yes	
	c. Q4 2010/11 Report to Trust Board June 2011	Yes	
41.	Email from Robert Woolley to Monitor dated 1 July 2011	No	31, 33
42.	Email from Monitor to Robert Woolley dated 1 July 2011	No	31, 33
43.	Letter from Monitor to Robert Woolley dated 6 July 2011 under email cover	No	31, 33
44.	Email from Robert Woolley to Monitor dated 11 August 2011 – with attachments	No	31, 33
	a. Letter from Robert Woolley to Monitor dated 11 August 2011	No	31, 33
	b. Hathaway Report on Patient Safety and Risk Management Action Plan under email cover	No	31, 33, 41
45.	Email from Monitor to Deborah Evans dated 17 August 2011	No	31, 33
46.	Email from Monitor to Robert Woolley dated 6 September 2011	No	31, 33
47.	Letter from Monitor to Robert Woolley dated 8 September 2011 under email cover	No	31, 33
48.	Email from Monitor to Deborah Evans dated 16 September 2011	No	31, 33
49.	Email from Robert Woolley to Monitor dated 20 January 2012	Yes	
4. “Details of any processes Monitor may have put in place in respect of Foundation Trust applications that would now identify similar problems to the Bristol Histopathology concerns before a Trust was granted Foundation Status.”			
1.	Guide to Applicants	Yes	21
2.	Memorandum of Understanding between Monitor and CQC	Yes	21