

27 July 2012

Mrs D Havercroft



Independent Regulator
of NHS Foundation Trusts
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By email

request-100931-95df7e85@whatdotheyknow.com

Dear Mrs Havercroft,

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

I refer to your email dated 16 May 2012 in which you requested an internal review of Monitor’s decision dated 20 February 2012 in relation to your FOI Act request dated 23 January 2012 in which 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”.*

Decision

I apologise for the delay in responding to you. I have now conducted a review of that decision and the original decision has been upheld in part and overturned in part.

In relation to some of the information, I have decided that the original decision and reasons for that decision should stand and I have therefore decided not to release this information to you.

In relation to some information, having considered the issues you raised I have decided that the public interest requires that this information be released to you.

In addition, there are two items where I consider it is appropriate to rely on the section 21 exemption of the FOI Act (information accessible by other means), because these items have already been disclosed to you.

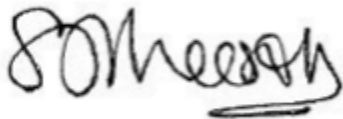
The attached Annex identifies which documents are now being disclosed to you (where the original decision has been overturned) and those documents which are not being disclosed (where the original decision has been upheld).

A file containing the material that we are now releasing will be sent to the postal address that you previously provided.

Review rights

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Sue Meeson', with a horizontal line underneath the name.

Sue Meeson

Director of Public Affairs and Communications

Annex

No	Document	Disclosure	FOI Exemptions (relevant sections) ¹	Internal Review (original decision upheld or overturned) ²
1.	Email from Deborah Evans to Monitor dated 9 June 2009 – with attachments	No	31, 33	Partially Overturned
	a. UHB Pathology Issues Timeline	No	31, 33	Upheld
	b. Allegations of Pathology Misdiagnosis at BRI	No	31, 33	Upheld
2.	Email from Deborah Evans to Monitor dated 11 June 2009	No	31, 33	Overturned
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 Woolley to Monitor dated 21 April 2010	Yes	(Redacted) 31, 33	
8.	Email from Robert Woolley to Monitor dated 14 July 2010	No	31, 33	Upheld
9.	Email from Robert Woolley to Monitor dated 30 September 2010 – with attachments	No	31, 33	Overturned
	a. Draft Report – comments by Robert Woolley	No	33, 31	Upheld
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		

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

² The documents that have been disclosed (and withheld) are all subject to section 40 of the FOI Act and as such have been redacted as needed for data protection purposes.

12.	Email from Robert Woolley to Monitor dated 3 December 2010 – with attachments	No	31, 33	Overturned (redacted for relevance)
	a. Executive Summary	No	31, 33	Upheld but due to s.21. This is a draft, but is the same as in the Independent Inquiry Report – previously disclosed
	b. Briefing Note	No	31, 33	Upheld, however s.21 applies to Annex 1, 2 and 3, which are the same as in the Independent Inquiry Report – previously disclosed
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	Upheld
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	Overturned (redacted for relevance)
21.	Letter from Robert Woolley to Monitor dated 22 March 2011 under email cover	No	31, 33	Upheld
22.	Email from Monitor to Robert Woolley dated 23 March 2011	No	31, 33	Upheld
23.	Email from Robert Woolley to Monitor dated 24	No	31, 33	Overturned

	March 2011 – with attachment			
	a. Letter from Robert Woolley to Monitor dated 24 March 2011	No	31, 33, 41	Overtured
	b. Provision of the Respiratory Pathology Service after February 2011 (Attachment to document a)	No	31, 33, 41	Upheld
	c. Letter from Inquiry Chair to Robert Woolley dated 22 April 2010 (Attachment to document a)	No	31, 33, 41	Upheld
	d. Letter from Robert Woolley to Inquiry Chair dated 30 April 2010 (Attachment to document a)	No	31, 33, 41	Overtured
24.	Email from Robert Woolley to Monitor dated 28 March 2011 – with attachment	No	31, 33	Overtured
	a. Root Cause Analysis Investigation Report (dated 26 June 2010)	No	31, 33	Upheld
25.	Email from Monitor to Robert Woolley dated 29 March 2011	No	31, 33	Overtured
26.	Email from Robert Woolley to Monitor dated 29 March 2011 – with attachments	No	31, 33	Overtured
	a. Root Cause Analysis Investigation Report	No	31, 33	Upheld
	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	Overtured
28.	Email from Robert Woolley to Monitor dated 21 April 2011 with attachment	No	31, 33	Overtured
	a. Letter from Robert Woolley to Monitor dated 21 April 2011	No	31, 33	Overtured
	b. Report to Monitor	No	31, 33	Overtured
29.	Email from Robert Woolley to Monitor dated 5 May 2011 – with attachments	No	31, 33	Overtured
	a. Minutes of Extra-ordinary Private Session of the Trust Board Meeting held on 6 December 2010	No	31, 33	Upheld
	b. Minutes of Private Meeting of UHB Board of Directors held on 15 November 2010	No	31, 33	Upheld
	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	Upheld
	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	Upheld
30.	Email from Robert Woolley to Monitor dated 5 May 2011 – with attachments	No	31, 33	Overtured
	a. Coversheet for Board Assurance Framework	Yes		
	b. Minutes of Meeting of Governors and Risk Management committee held on 18 November 2010	No	31, 33	Upheld
	c. Root Cause Analysis Investigation Report – Same document as 26a	No	31, 33	Upheld
	d. Minutes of Meeting of the Governance and Risk Management Committee held on 10 February 2011	No	31, 33	Upheld
	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	Upheld
	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	Overtured
	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	Upheld
32.	Email from Robert Woolley to Monitor dated 5 May 2011 – with attachments	No	31, 33	Overtured
	a. UHB Newsbeat 18 April 2011	Yes		
	b. Whistleblowing Policy Flowchart (Appendix D)	Yes		
	c. Speaking out (Whistleblowing Policy)	No	31, 33	Overtured
	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 held on 21 January 2011	No	31, 33	Upheld
	h. UHB Loud and Clear	No	31, 33	Overtured
33.	Letter from Monitor to Robert Woolley dated 12 May 2011 under email cover	No	31, 33	Overtured
34.	Email from Robert Woolley to Monitor dated 27 May 2011	No	31, 33	Overtured
35.	Email from Robert Woolley to Monitor dated 3 June 2011 – with attachments	No	31, 33	Overtured
	a. Report to Monitor – Evidence Log	No	31, 33, 41	Overtured
	b. Operational Policy – Avon Brest Screening Unit	No	31, 33	Upheld
	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	Upheld
	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	Yes		

	Directors dated 3 December 2010 – Same document as 29h			
	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	Upheld
36.	Email from Robert Woolley to Monitor dated 3 June 2011 – with attachments	No	31, 33	Overtured
	a. Patient Safety and Risk Management	No	31, 33	Upheld
	b. Draft Internal Audit Report: Divisional Governance Review	No	31, 33	Upheld
	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	Overtured
	e. Assessment of Harm caused to Patient Arising from Errors in Diagnostic Histopathology Reports from UHB	No	31, 33	Upheld
	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	Upheld
	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	Overtured
	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	Upheld
	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	Overtured
	a. Tell us about your care – Histopathology Focus Groups	Yes		
	b. Focus Group Outcomes	No	31, 33	Overtured
	c. UHB Newsbeat dated 18 April 2011 – Same document as 32a	Yes		
	d. Loud and Clear – Same document as 32h	No	31, 33	Overtured
	e. Speaking Out (Whistleblowing Policy) – Same document as 32c	No	31, 33	Overtured
	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 – with attachments	No	31, 33	Overtured
	a. Draft Internal Audit Report: Divisional Governance Review	No	31, 33	Upheld
	b. UHB Patient Safety and Risk Management – Independent Evaluation Derek Hathaway	No	31, 33	Upheld
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	Overtured

42.	Email from Monitor to Robert Woolley dated 1 July 2011	No	31, 33	Overturned
43.	Letter from Monitor to Robert Woolley dated 6 July 2011 under email cover	No	31, 33	Overturned
44.	Email from Robert Woolley to Monitor dated 11 August 2011 – with attachments	No	31, 33	Overturned
	a. Letter from Robert Woolley to Monitor dated 11 August 2011	No	31, 33	Overturned
	b. Hathaway Report on Patient Safety and Risk Management Action Plan under email cover	No	31, 33, 41	Overturned
45.	Email from Monitor to Deborah Evans dated 17 August 2011	No	31, 33	Overturned
46.	Email from Monitor to Robert Woolley dated 6 September 2011	No	31, 33	Overturned
47.	Letter from Monitor to Robert Woolley dated 8 September 2011 under email cover	No	31, 33	Overturned
48.	Email from Monitor to Deborah Evans dated 16 September 2011	No	31, 33	Overturned (redacted for relevance)
49.	Email from Robert Woolley to Monitor dated 20 January 2012	Yes		