

Information Governance Department  
West Wing  
St. Pancras Hospital  
4. St. Pancras Way  
London NW1 0PE  
[Freedom.Information@Candi.nhs.uk](mailto:Freedom.Information@Candi.nhs.uk)

Reference: 2013- 222

2<sup>nd</sup> October 2013

Dear Ms Moriarty

**Re: Information Request – Freedom of Information Act 2000**

Following your request for further information we received on the 4<sup>th</sup> September 2013, we are providing you with access to the recorded information held by Camden and Islington NHS Foundation Trust in answer to your enquiry.

You requested the following information:

**I request some clarification which hopefully can be done without the need for an internal review or raising a new request.**

**Firstly you state that re Q4 this data is only held back to 2010. Why? The Trust must hold this data. It would be acceptable to not have the complete data set for 2013 but it is not acceptable to not have this since the beginning of 2010.**

Comprehensive records of professional body referrals began when the HR Department became responsible for keeping these records. Information prior to 2010 is therefore not available to the department in an easily accessible form. This would require a review of all dismissed employee files, and this would exceed the £450 cost limit.

**I am assuming you have been wrongly informed as the Trust has had employees in high profile cases that have been struck off their respective professional registers and in 1 case convicted of murder since 2010 whilst in Trust employment as a nurse.**

**If what you state is correct then this would mean the Trust did not report for e.g. these 2 individuals to the professional bodies? Seems like an anomaly unless there is an alternative explanation.**

The Trust has declared that 15 staff were referred, 5 were struck off, and 5 committed a crime against the person, so we cannot readily see a discrepancy here. We would be happy to investigate further if you are able to provide more clarity on the concern.

There is also concern that while 25 nurses and allied health/social care professionals have been dismissed for gross misconduct only 15 were referred for professional misconduct.

The reason why this is concerning is that Gross Misconduct will only usually be a dismissal offence for the most serious breaches of behaviour. This is usually for violence/threat, unacceptable behaviour and practice, fraud, poor record keeping and unsafe practice.

Given this it would be expected that the Trust would be referring almost all cases. Again you may have been given incorrect figures and of course the referral rate can be confirmed with the bodies concerned if disputed.

We can confirm that the original figures supplied are correct.

**Please tell me if the Trust has made decisions on referral in the missing 10 cases based on legal advice - were you concerned that there were challenges against dismissal and were therefore advised not to refer to limit potential compensation payments? This would potentially mean that employees considered to be unsafe to practice within the organisation being allowed to continue to practice elsewhere to protect the Trust and would be a financial decision. Please confirm who/which committee has responsibility for making the decision NOT to refer in these cases.**

Comprehensive records of professional body referrals began when the HR Department became responsible for keeping these records. Information prior to 2010 is therefore not available to the department in an easily accessible form. In order to ascertain if decisions were based upon legal advice would require a review of all dismissed employee files, and this would exceed the £450 cost limit.

Where the matter is a disciplinary one, the investigation manager and chair of the disciplinary hearing decides whether a professional referral is appropriate. In other circumstances the decision will be made by the Head of profession.

**Please also confirm and provide details/policy document on how many of the 25 case and 15 cases respectively were reported as a safeguarding issue to the local authority or logged as such within the Trust. Is there an automatic procedure and if not why not?**

When a safeguarding adult's alert is raised it is logged on the relevant Borough workflow system. The safeguarding alert is in relation to the adult at risk and subsequent actions are taken to reduce the risk to that individual.

The Local Authority (Borough) has the over-arching responsibility for the management of all safeguarding cases. By default they will know and manage all safeguarding cases.

Where a safeguarding adult's alert is raised it is logged on the relevant Borough workflow system.

**How many formal investigations were launched and completed. Was dismissal seen as an alternative to reporting safeguarding concerns (which would have artificially kept the figures lower than they should have been across both boroughs) As the offences for dismissal and referral are very serious then clearly a safeguarding concern arises and there is strong argument that it is good practice to do so".**

Comprehensive records of professional body referrals and formal investigations began when the HR Department became responsible for keeping these records. Information prior to 2010 is therefore not available to the department in an easily accessible form. In order to answer this question we would have to undertake a review of all dismissed employee files, and this would exceed the £450 cost limit.

I do hope you are satisfied with the way in which your response was handled, if not you may request an internal review at the above email address. When contacting the Trust please use the above reference that is unique to your request.

Further information about your rights, is available from the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF and on the Information Centre's website. [www.ico.gov.uk/](http://www.ico.gov.uk/)

Yours sincerely



Peter Gooch  
Associate Director of ICT