

## Freedom of Information request 20-11

---

### Request

In response to my FOI request of 28 December 2010 where I requested a copy of the paper entitled Ethical Support for Clinical Triage in ITU - you wrote: "It should be noted that this was an influenza pandemic planning paper that became outdated shortly after it was written in the summer of 2009 due to changing planning criteria and was shelved without any further action or circulation to the service."

The minutes of the Private meeting of the Board on 5 November 2009 state that:

"The BOARD approved the principles and procedures set out in the paper which would support clinicians in the circumstances described.

The BOARD approved the governance arrangements to be put in place.

The BOARD asked that Dr Cameron send the approved paper to the CMO advising that it had been approved by the Board and seeking CMO advice on whether it should be consulted on with the CLO"

It is clear from the minutes of the 5 November meeting that the paper entitled "Ethical Support for Clinical Triage in ITU" was in fact approved by the Board at that meeting in November 2009.

Please can you provide me with:

- 1) The minutes of any meeting of the Board where the paper approved at the 5 November 2009 board meeting was superseded, amended or revoked.
- 2) Copies of any correspondence between Dr Cameron and the CMO between 5 November 2009 and 5 May 2010 relating to the paper.

### Response

- 1) The cover paper which accompanied the paper Ethical Support for Clinical Triage in ITU when it was submitted to the Board clearly stated that the Board was not asked to adopt the paper as an active policy, but to approve the principles and procedures and governance arrangements. This cover paper was previously provided to you as Appendix-2009-215 Ethical Intensive Care Triage cover. The Board minutes of 5<sup>th</sup> November 2009 state as above and asked Dr Cameron to consult with the CMO and possibly the CLO as a condition of its approval.
- 2) The following is the content of the e-mail correspondence, subject "Draft Triage Policy" which Dr Cameron sent to the CMO regarding the paper 'Ethical Support for Clinical Triage in ITU' Dr Cameron did not receive a response to this e-mail from the CMO. As indicated in Dr Cameron's e-mail, the status of the pandemic was subsequently re-evaluated and as a consequence, the paper was never re-presented to the Board for implementation.

**From:** Cameron, Ross  
**Sent:** 12 November 2009 15:09  
**To:** PS/CMO  
**Subject:** Draft Triage Policy

Dear Harry

I am writing at the request of my Board to inform you of some pandemic planning issues and invite your comments.

As part of our on-going Pandemic Planning process, we undertook bed-modelling for ITU admissions based on the assumptions given in your guidance. It was clear from this process that, despite the 100% increase in capacity requested, the increased length of stays in ITU reported from elsewhere meant that predicted numbers exceed overall capacity during the peak weeks.

We had to assume that the whole country would be experiencing similar pressure during the same time frame, and so we discussed contingencies if triage for ITU admission became necessary. As a result, we set up a short working group to examine the ethical and practical issues this would raise and produced the attached guidance to support clinicians at short notice if this very extreme situation were to arise. I believe that as Medical Director, I have a duty to plan how to support local clinicians who may be in a very difficult position. It is based largely on the work of the Scottish Critical Care Group with local practical adaptation to fit our systems.

I took this in private to my Board last week to a) brief them that we had been thinking about this sensitive issue and b) to gain approval for the governance details in the paper and, during the discussion, I was asked to give sight of this to you and ask for any comments. I am confident that the paper meets GMC professional and ethical standards but I am also very aware of the sensitivity of some of the detail. I am not aware of any specific central guidance on this particular issue hence our local discussions.

I am aware that recent down-grading of numbers in the planning assumptions makes this scenario less likely and it may be that we can leave this as a draft. However, I would welcome your advice or comments.

With best wishes

Ross

Dr Ross Cameron  
Medical Director  
NHS Borders

If you are not satisfied with the way in which your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, Public Involvement & Communications, NHS Borders, Newstead, Melrose, TD6 9DA.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **20-11** on this request. Your request should be made within 40 days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Office of the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Office of the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Office of the Scottish Information Commissioner must be made within 6 months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.

Deborah Adams  
Senior Public Involvement  
& Communications Officer