

South London and Maudsley

NHS Foundation Trust

Information Governance Office
CR2-Clinical Records
Maudsley Hospital
Denmark Hill
London
SE5 8AZ

Email: foi@slam.nhs.uk

27 September 2013

Dear Mr Mery,

RE: Your Information Request

I am writing in response to your email dated 30 August 2013. In your email, you requested an internal review of the response sent to you on 28 August 2013 in relation to your request for the investigation report into the incident that took place on 1 October 2012 at River House, Bethlem Royal Hospital. You felt that the response dated 28 August 2013 breached the Freedom of Information Act and used Section 22 exemption without conducting a public interest test. You were dissatisfied that entire sections of the report, names and qualifications of the authors were redacted and relevant exemptions were not applied or quoted to justify the redactions.

Firstly, I would like to outline the decision process around the publication of the relevant information arising from the investigation that followed the incident that took place on 1 October 2012 at River House.

The key objective of the independent investigation was to help ensure a thorough understanding of what happened and how such incidents could be prevented in the future. When the Trust commissioned an independent investigation into this incident, it was believed that the cause of the incident, recommendations and key actions arising from the investigation would be in the public interest and that this information should be made publicly available once the investigation was completed.

The Trust subsequently received your request to view the report on the investigation into this incident. You were informed of the Trust's intention to publish the information that was believed to be in the public interest (Section 22- Information intended for future publication). At the time of your request, the independent investigation was in progress. You were informed of the anticipated time for the completion of the investigation. We are sorry that the investigation was completed later than anticipated.

Following completion of the investigation the independent investigation report was made available internally including the Trust Board. Subsequent to this, a redacted version of the report was published on 29 August 2013. A number of external key stakeholders, including you were informed of the exact publication date ahead of the publication.

The Trust's intention was to publish information about the root cause of the incident, recommendations and key actions arising from the independent investigation that would be in

the public interest. While determining the information that would be in the public interest, the Trust was guided by the following exemptions under the Freedom of Information Act (2000) to determine what information should not be in the public domain:

Section 36- Prejudice to the effective conduct of public affairs:

As you may appreciate, it would not have been appropriate or possible for the Trust to provide information that would have been pertinent to the investigation of this incident while the investigation was underway. Such information could have prejudiced the independent investigation process and was exempt from disclosure under Section 36 of the Freedom of Information Act (2000). This exemption was also the guiding principle of our public interest consideration when we responded to your original request in the year with the intention to publish the information you requested in the future.

Section 38- Health and Safety:

The full investigation report contains details of logistical arrangements and processes in a secure mental health setting that may be applicable across services of this type. Disclosing such information would be likely to impair the security processes and logistical arrangements of secure mental health establishments and could increase the risk on safety, security, physical and mental health of patients and staff in such services. Disclosure of such information would not be in the public interest.

Section 40- Personal Information:

The identities of patients and some staff referred to in the report constitute personal information and are exempt from disclosure under Section 40 of the Freedom of Information Act (2000).

In your email, you asked for the qualifications of the authors of the investigation report. The investigation panel included a consultant lead investigator with a senior nursing background, a Consultant Forensic Psychiatrist and a Forensic Nurse Consultant. We would like to reassure you that the authors of the investigation report are sufficiently qualified people who are able to conduct such an investigation and were appointed by the Trust Board.

If you have any queries about this letter or 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, please do not hesitate to contact the Information Governance Office via foi@slam.nhs.uk.

If you are not content with the outcome of your complaint, you may apply to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by South London and Maudsley NHS Foundation Trust. The Information Commissioner can be contacted at:

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

Yours sincerely,


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Head of Information Governance