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Mansfield Road
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Nottinghamshire
NG17 4JL

13th August 2024

Tel: 01623 622515
Join today: www.sfh-tr.nhs.uk

Dear Sir/Madam

Freedom of Information Act (FOI) 2000 - Request for Information Reference:
Maintaining High Professional Standards framework

I am writing in response to your request for information under the FOI 2000.

I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information you have requested. A response to each part of your request is provided below. Please accept our apologies for the delay.

Home, Community, Hospital.

Patient Experience Team
01623 672222
sfh-tr.pet@nhs.net



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site

Chair Claire Ward
Chief Executive Paul Robinson

| FOI Request / Question | Question Response | Is there an exemption? | Exemption | Exemption Details |
|--|--|------------------------|-----------|-------------------|
| <p>1. Please confirm has your Trust adopted the Just Learning Culture in handling of concerns following receipt of Dido Harding's letter that was sent to all Chairs and Chief Executives of NHS Trusts and NHS Foundation Trusts dated 23 May 2019.</p> | <p>Yes, the Trust has adopted a Just Learning Culture.</p> | | | |
| <p>2. Does your MHPS Procedure set out an informal process to deal with concerns pertaining to conduct/ capability of medical and dental staff, if so please provide details.</p> | <p>Yes it does. The MHPS process mirrors that of the Trust's Disciplinary Process, whereby a fact-find will always be carried out where there are conduct concerns. This is to ascertain the facts, to see if the issue(s) can be resolved informally before any further consultation is needed as to whether the formal stages of the MHPS Policy are undertaken. This can include no further action, a quiet word, a file note or an improvement notice.</p> <p>The Trust's Capability Policy also has an informal stage, where there are performance concerns. This again, takes an informal yet structured</p> | | | |

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| | approach to try and improve an individual's performance. | | | |
| 3. Please provide details of what training and support is provided by your Trust to Case Investigators and Case Managers when dealing with MHPS cases. | The Trust has Investigation Training which is run monthly, and bespoke sessions for new Case Managers and Case Investigators, which are run by the People Directorate. | | | |
| 4. Please can you confirm if your Trust has a Decision-Making Group and if so please can you confirm who sits on this group/how this is constituted and its remit? | Yes the Trust does have a decision-making group. When a concern arises an identified Case Manager will do an assessment to identify the nature of the problem or concern and assess the seriousness. This is done in a multi-disciplinary meeting involving Medical Director, Director of People and the Chief Executive. Further details in Handling Concern Policy | | | |
| 5. The number of cases of medical and dental staff that were handled and resolved via a Just Culture approach and informal process. 2019 to date | Due to the informal nature, the People Directorate may not be made aware of concerns resolved informally. We are aware less than 5 cases since May 2019. | | | |
| 6. The number of cases of medical and dental staff that were subjected to a formal MHPS investigation. 2019 to date | 0 cases | | | |
| 7. The number of medical and dental staff that have been formally excluded under | Less than 5 cases exclusion(s). Due to the small numbers of cases, this information cannot | Yes | ABSOLUTE EXEMPTIONS REFUSAL NOTICE | The exemption applied is Section 40 Personal Information. |

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| MHPS and the duration of the exclusion. 2019 to date | be provided as may compromise confidentiality. | | - Section 40 small data set - Section 40(2) staff personal information | <p>This exemption applies because disclosure of this information has a potential to make individuals identifiable due to the description/set of characteristics within the small statistical data set involved, thereby breaching the Data Protection Act 2018.</p> <p>Section 40 (2) We are not obliged, under section 40(2) of the Act, to provide information that is the personal data of another person if releasing would contravene any of the provisions of UK GDPR. In this instance we believe that the release of this information, would not be fair and contravene the first data protection principle and therefore section 40 (2) is engaged.</p> <p>The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.</p> <p>Further guidance is available from the Information Commissioners Office: https://ico.org.uk/media/for-organisations/documents/1213/personal-information-section-40-and-regulation-13-foia-and-eir-guidance.pdf</p> |
| 8. Where medical and dental staff have been formally excluded under MHPS 2019 to present please provide a breakdown of whether this was on grounds of | a) a need to protect the interests of patients or other staff pending the outcome of a full investigation, and/or | | | |
| 9. How many medical and dental staff have been the subject of a formal process in relation to concerns over conduct and performance after they have made a protected disclosure (whistleblowing) following | 0 | | | |

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| concerns over patient safety or other issues? | | | | |
| 10. Please provide the number of medical and dental staff that were placed on restricted duties and the duration of these restrictions | Less than 5. | | | |
| <p>11. Please provide a breakdown of how many of these formal MHPS investigations were:</p> <p>a. Resolved with no further action due to the concerns not being upheld</p> <p>b. Resolved via an agreement to proceed through a disciplinary fast track process which avoided the need to proceed to a formal hearing</p> <p>c. Proceeded to a formal hearing conduct or capability (provide breakdown)</p> <p>d. Other outcome - provide details</p> <p>Due to the small numbers of cases, this information cannot be provided as may compromise confidentiality.</p> | | Yes | <p>ABSOLUTE EXEMPTIONS REFUSAL NOTICE - Section 40 small data set - Section 40(2) staff personal infoamtion</p> | <p>The exemption applied is Section 40 Personal Information.</p> <p>This exemption applies because disclosure of this information has a potential to make individuals identifiable due to the description/set of characteristics within the small statistical data set involved, thereby breaching the Data Protection Act 2018.</p> <p>Section 40 (2) We are not obliged, under section 40(2) of the Act, to provide information that is the personal data of another person if releasing would contravene any of the provisions of UK GDPR. In this instance we believe that the release of this information, would not be fair and contravene the first data protection principle and therefore section 40 (2) is engaged.</p> <p>The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.</p> <p>Further guidance is available from the Information Commissioners Office: https://ico.org.uk/media/for-</p> |

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| | | | | organisations/documents/1213/personal-information-section-40-and-regulation-13-foia-and-eir-guidance.pdf |
| 12. Of the cases that proceeded to a formal hearing please confirm how many of these resulted in: | Not applicable | | | |
| 13. Please provide length of time from start to finish of each MHPS case. | Not applicable | | | |

I trust this information answers your request. Should you have any further enquiries or queries about this response please do not hesitate to contact me. However, if you are unhappy with the way in which your request has been handled, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Sally Brook Shanahan, Director of Corporate Affairs, King's Mill Hospital, Mansfield Road, Sutton in Ashfield, Nottinghamshire, NG17 4JL or email sally.brookshanahan@nhs.net.

If you are dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office, who will consider whether we have complied with our obligations under the Act and can require us to remedy any problems. Generally, the Information Commissioner's Office cannot decide unless you have exhausted the internal review procedure. You can find out more about how to do this, and about the Act in general, on the Information Commissioner's Office website at: <https://ico.org.uk/your-data-matters/official-information/>.

Complaints to the Information Commissioner's Office should be sent to FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 0303 1231113, email casework@ico.org.uk.

If you would like this letter or information in an alternative format, for example large print or easy read, or if you need help with communicating with us, for example because you use British Sign Language, please let us know. You can call us on 01623 672232 or email sfh-tr.foi.requests@nhs.net.

Yours faithfully

Information Governance Team

All information we have provided is subject to the provisions of the Re-use of Public Sector Information Regulations 2015. Accordingly, if the information has been made available for re-use under the [Open Government Licence](#) (OGL) a request to re-use is not required, but the licence conditions must be met. You must not re-use any previously unreleased information without having the consent from Sherwood Forest Hospitals NHS Foundation Trust. Should you wish to re-use previously unreleased information then you must make your request in writing. All requests for re-use will be responded to within 20 working days of receipt.