

BMA FOI	
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	Yes there is section in the policy about Just Culture. We have a workstream on Just Culture in the Trust and are doing lots of engagement and promotion regarding Just Culture
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.	Yes – see attached section from the policy
Please provide details of what training and support is provided by your Trust to Case Investigators and Case Managers when dealing with MHPS cases	<p>Case Investigators have undertaken the NHS Resolution/Practitioners Performance Case Investigator (formerly NCAS) training.</p> <p>Case Managers have undertaken NHS Resolution/Practitioners Performance Case (formerly NCAS) Case Manager training</p>
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?	<p>No</p> <p>Serious concerns are discussed by the Associate Medical Director for Professional Standard (AMD), Executive Medical Director (EMD) and Chief People Officer (CPO) to determine if a formal MHPS should be instigated. This discussion takes place at the time a serious concern is raised. This is in line with policy.</p> <p>Once the report is completed by the Case Investigator it must be provided to the Case Manager (normally AMD) who will then decide which course of action needs to be taken. The Case Manager will discuss the report with the Medical Director/Medical Director of Workforce and Chief People Officer, as well as with NHS Resolution.</p>
Please provide a breakdown of the requested information below for the period from May 2019 to date:	See information below
The number of cases of medical and dental staff that were handled and resolved via a Just Culture approach and informal process.	I am writing to confirm that DBTH holds the information on the subject you have requested. However, I advise you that we will not be able to answer your request without exceeding the appropriate limit. This is because to [locate, retrieve, extract] information in scope of your request would involve extensive manual

	<p>administrative work involving searches through multiple personal files/folders over 5 years. Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, We have estimated that it would take more than 18 hours to carry out a manual search to locate, retrieve, and extract all the information you have requested. In this situation the associated cost would therefore exceed the appropriate fee limit of £450 set out under Freedom of Information & Data Protection (Appropriate Limit and Fees) Regulations 2007.</p> <p>The fee limit specified in regulations for NHS trusts represents the cost of one person spending 2½ working days at a rate of £25 per hour determining whether the Trust holds the information sought and then locating, retrieving and extracting that information.</p> <p>If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.</p> <p>If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/</p>
--	--

Formal Cases commenced with effect from 19th May 2019 that have reached an outcome. Current cases that have not yet been concluded have not been included in the below.

Number of cases

Formal Cases
9

Exclusions Duration

0-2 months	6-8 months
3	1

Exclusion Reason

Need to protect the interests of patients or other staff pending the outcome of a full investigation,	The presence of the practitioner in the workplace was likely to impede the gathering of evidence during the investigation
4	

Restrictions Duration

0-2 months	2-4 months	12-14 months
1	1	1

Duration of cases from ToR to Outcome

0-2 months	2-4 months	4-6 months
2	4	3

Ethnicity Group

BME	White
8	1

Gender

Male	Female
9	0

WTE

Full time	LTFT
9	0

Primary Place of Medical Qualification

UK	EEA	Non EEA
2	0	7

Made Protected Disclosure

Yes	No
	9

Grade of Doctor

Consultant	SAS	Postgraduate Doctor in Training	LED
3	2	3	1

Specialty

Medicine	Surgery	Postgraduate Training Programme
4	2	3

Outcome

a. Resolved with no further action due to the concerns not being upheld	b. Resolved via an agreement to proceed through a disciplinary fast track process which avoided the need to proceed to a formal hearing	c. Proceeded to a formal hearing – conduct or capability (provide breakdown)	d. Other outcome - provide details
2	2	0	3 additional training/support/advice 2 left employment prior to outcome

Of the cases that proceeded to a formal hearing please confirm how many of these resulted in:

a. No disciplinary sanction - because the allegation/concerns were not upheld	b. No disciplinary sanction - but ended with a recommendation for additional	c. A disciplinary sanction – please confirm the level of this sanction (e.g. written warning/final	d. Number of medical staff who appealed the disciplinary	e. Other outcome - provide details

	training/remediation/support	written warning/dismissal)	sanction and the outcome	
0	0	0	0	0

Current Medical Staff Breakdown

Role	BME	White	Not Stated	Male	Female	Full time	Part time
Consultant	196	102	16	229	85	237	77
SAS	99	19	4	92	30	100	22
Postgraduate Doctors in Training	178	87	25	138	152	239	51
LED	42	4	2	30	18	47	1