

Freedom of Information Request

Ref: 21-286

24 May 2021

By Email

Dear Sir/Madam

Thank you for your request for information under the Freedom of Information Act 2000. The Trust's response is as follows:

- **We can confirm that we do hold some of the information you are requesting**

I am writing to you under the Freedom of Information Act 2000 to request the following information from the Medical Director's Office and The Division of Surgery at the University Hospitals Bristol and Weston Trust.

Please may you provide me with details of your investigation into the allegation that Personal Information – Redacted under DPA schedule 2 Part 3 – Protection of the rights of others had potentially carried out a misconduct in public office by prioritising private patient(s) treatment in the NHS at the expense of long waiting NHS patients as well as potential financial fraud. The concern was brought to your attention in person and in writing on 26th Feb 2019. I am fully aware of your response on 6th April 2020 regarding the fraud office investigation.

This is a request regarding the duty of a Medical Director to investigate potential professional (rather than financial) misconduct.

1. I request to know whether an investigation into professional misconduct was undertaken.

We are unable to respond to this request as we have considered that there is the potential for individuals to be identified, when considered with other information that may be in the public domain. In our view disclosure of such information would breach the Data Protection Act. Therefore please find that Section 40 (2) exemption contained within the Freedom of Information Act 2000 is engaged. Section 40 is the exemption for personal information.

2. If an investigation was undertaken please provide me with all documents relating to the

investigation. This includes, but is not limited to:

- a. the team and the methodology they used to perform the investigation.**
- b. whether witness statements were taken and from whom.**

c. the timeline of the investigation.

d. the outcome of the investigation.

We are unable to respond to this request as we have considered that there is the potential for individuals to be identified, when considered with other information that may be in the public domain. In our view disclosure of such information would breach the Data Protection Act. Therefore please find that Section 40 (2) exemption contained within the Freedom of Information Act 2000 is engaged. Section 40 is the exemption for personal information.

3. If no investigation took place, please confirm this is the case and the reasons for not undertaking one.

We are unable to respond to this request as we have considered that there is the potential for individuals to be identified, when considered with other information that may be in the public domain. In our view disclosure of such information would breach the Data Protection Act. Therefore please find that Section 40 (2) exemption contained within the Freedom of Information Act 2000 is engaged. Section 40 is the exemption for personal information.

4. Your letter on 6th April 2020 states 'I am therefore comfortable that no further action is required, which could have included a referral to the GMC'. Please provide me with details regarding the methodology used to reach this conclusion.

We are unable to respond to this request as we have considered that there is the potential for individuals to be identified, when considered with other information that may be in the public domain. In our view disclosure of such information would breach the Data Protection Act. Therefore please find that Section 40 (2) exemption contained within the Freedom of Information Act 2000 is engaged. Section 40 is the exemption for personal information.

This concludes our response, however, we have attached herewith a copy of the Trusts policy on Professional Registration, a copy of the Trusts Disciplinary Policy and a copy of the Trust Counter Fraud Policy that describe the systems and processes in place for the investigation and management of any allegations of misconduct. We trust that you find this helpful, but please do not hesitate to contact us directly if we can be of any further assistance.

If, after that, you are dissatisfied with the handling of your request, 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:

Director of Corporate Governance
University Hospitals Bristol and Weston NHS Foundation Trust
Trust Headquarters
Marlborough Street
Bristol
BS1 3NU

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Publication

Please note that this letter and the information included/attached will be published on our website as part of the Trust's Freedom of Information Publication Log. This is because information disclosed in accordance with the Freedom of Information Act is disclosed to the public, not just to the individual making the request. We will remove any personal information (such as your name, email and so on) from any information we make public to protect your personal information.

To view the Freedom of Information Act in full please click [here](#).

Yours sincerely

**Freedom of Information Team
University Hospitals Bristol and Weston NHS Foundation Trust**