

Freedom of Information Request: Our Reference CTMUHB_387_20

You asked:

On 11th October 2019, Friday, Doctor B did not come to the clinic on time at 08:30 hrs. The notes were piling up. At 09:15 hrs, Locum Dr S alerted the HCA, nurses who in turn spoke to deputy manager in person, who later texted Dr B who then came to the clinic 2.5 hrs late at 11:35 am from some 50 miles away ! The clinic had 22 patients booked for 2 Drs and one can imagine the pressure on the only Locum Dr S, who was doing that clinic and had apologized to the patients in the waiting lounge in person explaining the situation as understandably some were waiting for hours to be seen. The Doctor B said to Dr S that on 10th October the Dr had arranged to be absent in discussion with some staff and had postponed the patients in liaison with a staff who alters bookings of patients.

1. Has anyone investigated this incident formally?
2. If yes, who?
3. When?
4. What was the outcome?
5. Why Deputy Manager (name withheld) did not cancel the list?
6. Why Deputy Manager (name withheld) did not apologize to patients in person?
7. Why Deputy Manager (name withheld) did not seek help from other consultants in the department to help out seeing the patients as they were put under risk?
8. Was Dr B paid in full (including the 2.5 hrs for being absent/late) for the service on 11th October 2020?
9. Is this incident classified as a Protected Public Interest Disclosure?
10. Were the patients formally sent apology for the incident please?

Our response:

Under the Freedom of Information Act (FOIA) you have a right to request any recorded information held by a public authority.

However, under this Act some information may not be given to you because it is exempt, for example because it constitutes as personal data about somebody else.

The information that you have requested would constitute personal data relating to someone other than yourself. The Health Board is not obliged to confirm or deny that it holds information, if giving the confirmation or denial to a member of the public would contravene:

- any of the data protection principles; or
- section 10 of the DPA.

and as such Section 40(5)(b)(i) would apply.

The Health Board considers that the information you have requested constitutes the personal data of the individuals involved and would be a breach of the first data protection principle. To confirm or deny would be unfair to the individuals as the reasonable expectation, if a complaint had been made, would be that this would not be disclosed unless or until it reached the stage at which it would normally be expected to be disclosed.

Whilst acknowledging the fact that there may be a public interest in knowing if any complaints had been made, we would like to assure you that the Health Board takes any complaint it receives very seriously and investigates the complaints it receives and appropriate action is taken where required. It may be helpful to know that the Health Board publishes an [Annual Concerns Report](#), the content of which is scrutinised by members of the Board and provides information on themes, trends and corrective action taken.

Please note that using this legislation is not always the most appropriate way of obtaining information from the Health Board as personal data is exempt under this Act. However, if in this case the request involves information in relation to yourself or a complaint you may wish to make a 'Subject access' request. You can contact the Concerns Team on 01443 744915 or Email: CTHB_Concerns@wales.nhs.uk.