

15 May 2017

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**By email**

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Dear ██████████

### **Request under the Freedom of Information Act 2000 (the “FOI Act”)**

I refer to your nine emails between 13 and 22 April in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority (“NHS TDA”) are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the NHS TDA.

### **Your request**

Your emails are set out in full in the Annex to this letter. They contained the following questions (the numbering has been inserted by NHS Improvement for ease of reference):

#### **Pod keys and drug trolleys at Barking, Havering and Redbridge University Hospitals NHS Trust (“BHR”)**

1. Have any avoidable deaths have been investigated in relation to the availability of pod keys since Queen's Hospital, Romford opened?
2. When the problem of drug trolleys being left unlocked was first identified as a clinical issue that needed addressing and reports on how this was handled/improved?
3. How quickly were improvements required/expected?
4. Policy of nurses locking trolleys and pods

#### **Whistleblowing at BHR**

5. Prior to your national guardian scheme for whistle blowers, did Barking, Havering and Redbridge have an internal or external scheme during 2013-2015 and if so with what agency (if relevant), and what was the contract for?
6. When was the guardian scheme at BHR set up and disbanded for the new national scheme?

#### **Whistleblowing general**

7. Define what you regard as a whistle blowing clinical concern?

8. Let me know whether you would regard drug trolleys and/or pods being left open to be of clinical concern?
9. Let me know whether POD keys being given to staff other than those carrying out drug rounds to be of clinical concern?

## **Decision**

NHS Improvement holds some of the information that you have requested but has decided to withhold it on the basis of the applicability of the exemption in 21 of the FOI Act, for the reasons outlined below.

### **Pod keys and drug trolleys at BHR**

NHS Improvement does not hold any recorded information in relation to questions 1-4 about pod keys and drug trolleys at BHR.

BHR and/or the CQC may hold information relevant to questions 1-3 of your request. Information about making an FOI request to the trust can be found [here](#). Similarly information about making an FOI request to the CQC can be found [here](#).

As far as question 4 is concerned, NHS Improvement does not hold BHR's policy on this nor does it have a policy of its own but the Royal Pharmaceutical Society publishes essential good practice and guidance on the Safe and Secure Handling of Medicines and this is available at the following link: [click here](#). The relevant sections are 5.5 – Security (page 24); and 9.9 – Storage of Medicines on the Ward (page 37).

### **Whistleblowing at BHR**

NHS Improvement does not hold any information in relation to questions 5 and 6 about whistleblowing at BHR.

Further information about the national guardian scheme is available via the following link: [click here](#), including details of the current guardian at BHR. BHR and/or the National Guardian may be able to provide you with additional information about the previous arrangements at BHR.

### **Whistleblowing general**

NHS Improvement holds some information relevant to question 7, which it has decided to withhold on the basis of applicability of the exemption in section 21 of the FOI Act. This is because the information is reasonably accessible to you by other means in NHS Improvement's whistleblowing policy on its website: [click here](#). NHS Improvement's whistleblowing policy sets out the type of whistleblowing concerns that can be raised with it in section 1 of the policy, including examples of the types of clinical concerns that can be raised.

In addition, the national integrated whistleblowing policy (available via the following link: [click here](#)) is a whistleblowing policy that NHS Improvement and NHS England expect all NHS

organisations to adopt (as a minimum). It outlines what concerns we consider should be capable of being raised by a whistleblower with an NHS organisation, including clinical concerns.

NHS Improvement does not hold any recorded information in relation to questions 8 - 9; however, we can confirm that drug trolleys and/or pods being left open would seem to be the type of concerns that could be raised by a whistleblower with the relevant NHS provider or the CQC since it may pose a patient safety risk. This type of concern could be raised with NHS Improvement but it is likely that we would refer the matter to the CQC since it relates to patient safety.

We do not consider that the issue outlined in question 9 would necessarily be a clinical concern but it would depend on the circumstances (it is likely that other members of staff, besides nurses doing drug rounds, need access to POD (patient's own drugs) lockers to carry out their role, such as pharmacists and pharmacy technicians).

### **Review rights**

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A senior member of NHS Improvement's staff, who has not previously been involved with your request, will undertake that review.

If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to [nhsi.foi@nhs.net](mailto:nhsi.foi@nhs.net).

### **Publication**

Please note that this letter will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely,



**Faizal Mangera**

Head of Delivery and Improvement, London

## Annex

### Request number 1 of 13 April 2017

re problem of drug trolleys being left unlocked at Barking, Havering and Redbridge NHS Trust

I the Trust has been working with the CQC on improvements. Can you tell me

- 1) when the problem of drug trolleys being left unlocked was first identified as a clinical issue that needed addressing?
- 2) Can you tell me how quickly improvements were required/expected?
- 3) Can you give any particulars of the initial assessment?

### Request number 2 of 13 April 2017

re Barking, Havering and Redbridge NHS Trust

re

Can you please let me know if any avoidable deaths have been investigated in relation to the availability of pod keys since Queen's Hospital, Romford opened?

### Request number 3 of 19 April 2017

A further request for further information please

Prior to your national guardian scheme for whistle blowers, did Barking, Havering and Redbridge have an external scheme during 2013-2015, and if so with what agency, and what was the contract for?

### Request number 4 of 19 April 2017

- 1) guardian scheme that was in operation at the trust or externally contracted by the Trust - Barking Havering Dagenham for whistle blowers.
- 2) When it was set up and disbanded for the new national scheme.
- 3) When the problem of trolley keys PODs being left unlocked was found at the trust and the reports on how this was handled/improved

### Request number 5 of 19 April 2017

Barking, Havering Redbridge NHS Trust

- 1) was there a whistle blowing guarding scheme in place during 2013-2015 either internally or externally.
- 2) Was there a contract for an outside body to provide this whistle blowing service in 2013-2015?
- 3) Please can you tell me name of the contracted service?
- 4) When was the problem of drug trolleys/PODs being left open first detected and CQC involved?
- 5) What were the reports about this problem of drug security and the monitoring thereof?

I would be most grateful for this information as soon as possible

Request number 6 of 19 April 2017

- 1) define what you regard as a whistle blowing clinical concern?
- 2) Let me know whether you would regard drug trolleys being left open to be of clinical concern?
- 3) Let me know whether POD keys being given to staff other than those carrying out drug rounds to be of clinical concern?

Request number 7 of 19 April 2017

- 1) policy of nurses locking trolleys and PODS
- 2) Would it be views as a clinical concern if trolleys and/or pods were left open?

Request number 8 of 21 April 2017

- 1) data on the problem of nursing trolley keys/POD keys and unlocked drugs at Queen's Hospital, Romford.

Please note that I am not asking you to suggest trying the CQC or Queen's Hospital. I am asking for the foi data you hold about this.

Request number 9 of 22 April 2017

- a) Can you tell me when the problem of drug trolleys being left unlocked was first identified as a clinical issue that needed addressing
- b) Can you tell me how quickly improvements were required/expected by the CQC (being in special measures 2013-2017)?
- c) Can you give details of the initial assessment and Trust report on this problem, and plan for rectification.