

19 July 2018

Wellington House
133-155 Waterloo Road
London SE1 8UG

T: 020 3747 0000
E: nhsi.enquiries@nhs.net
W: improvement.nhs.uk

██████████
By email
██

Dear ██████████,

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

We refer to your email of **26 June 2018** in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, the Patient Safety functions under section 13R of the NHS Act 2006 have been exercised by the NHS Trust Development Authority, as part of the integrated organisation known as NHS Improvement.

Your request

You made the following request:

“Please send me information, policy, documents, guidance, pathway and training material detailing Never Events and their investigation

Please also supply any similar information on NHS investigating Mental Health services

This means specifically policy, documents, guidance, pathway and training material detailing Never Events and their investigation

And including the same detailing Never Events in NHS Mental Health services”

Decision

NHS Improvement holds some of the information that you have requested and has applied section 21 to the information it holds, as it is readily available in the public domain.

Section 21 provides an exemption from the right to know if the information requested is reasonably accessible to the applicant through other means. This is an absolute exemption which means there is no requirement to carry out a public interest test if the requested information is exempt.

The information we have on policy relating to Never Events and guidance on their investigation is in the public domain. Please find the Serious Incident Framework [here](#), the purpose of which is to provide support for the NHS in reporting, investigating and responding

to Serious Incidents, including Never Events. You can find information on the current Never Event list [here](#). This document includes hyperlinks to the guidance on which each specific Never Event definition is based. We also publish information on reported [Never Events](#). These documents apply to all care settings; there is not separate guidance for mental health care settings. NHS Improvement is not a provider of training and so does not hold training materials.

The Health Safety Investigation Branch (HSIB) is hosted by NHS Improvement, although it conducts itself independently. You can find information on HSIB investigations relevant to Never Events [here](#).

You may also find it helpful to look at the Care Quality Commission (CQC) website including its '[Patient Safety Review](#)' which, amongst other things, makes reference to forthcoming work that will be done to identify where existing Never Events guidance requires revision.

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.

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,

NHS Improvement