

Trust Headquarters
Russell's Hall Hospital
Dudley
West Midlands
DY1 2HQ

Ref: FOI-000395

Date: 10/11/23

Address / Email:

Dear

Request Under Freedom of Information Act 2000

Thank you for requesting information under the Freedom of Information Act 2000, please see response below.

Please note for a copy of any of the policies please contact dqft.foi@nhs.net quoting reference number 000395.

I am writing to make a request under the Freedom of Information Act for the Trust's official policy for a) reporting and b) recording of sexual safety incidents, including sexual abuse, sexual harassment or sexual assault through the National Reporting and Learning System (NRLS) or any other relevant system.

a) reporting

Safeguarding Adults' Policy and Safeguarding Children Policy (attached) cover reporting:

Risk Management and Incident Reporting

Clinical incidents should be reported according to the Trust's Incident Reporting and Management Policy this includes guidance relating to serious untoward incidents.

Definition of clinical incident – A clinical event or circumstance which could have or did lead to harm to one or more patients.

b) recording of sexual safety incidents, including sexual abuse, sexual harassment or sexual assault through the National Reporting and Learning System (NRLS) or any other relevant system.

Incident Reporting and Management Policy (Including Serious Incidents) covers recording via NRLS:

National Reporting and Learning System (NRLS)

The Patient Safety Team submits the relevant patient safety incident information through the e-form to the National Reporting and Learning System (NRLS). This includes the following notifications which are required by law to be reported to the NRLS who will then notify the Care Quality Commission:

- Death of a service user - that occurred whilst services were being provided; that was a consequence of the service being provided and was not caused by an illness or condition that was being appropriately treated.

Any abuse or allegation of abuse - abuse in relation to the service user means sexual abuse; physical or psychological ill treatment; theft, misuse or misappropriation of money or property; or neglect and acts of omission which cause harm or place at risk of harm.

- Events that stop or may stop the service from running safely and properly – a level of staff absence or vacancy, or damage to the service’s premises that mean that people’s assessed needs cannot be met; the failure of a utility for more than 24 hours; the failure of fire alarms

The updated Incident Reporting and Management Policy (not attached as not yet ratified) covers recording via LFPSE:

Learn from Patient Safety Events (LFPSE)

The Trust reports all patient safety incidents (PSIs) reported on Datix to the LFPSE. This is an automatic process and allows PSIs to be reported in real time to the national Patient Safety Team, to support national learning opportunities.

LFPSE is the process that the Trust utilises for the statutory notification to the Care Quality Commission of the following incidents:

- **Death of a service user** - that occurred whilst services were being provided; that was a consequence of the service being provided and was not caused by an illness or condition that was being appropriately treated.
- **Any abuse or allegation of abuse** - abuse in relation to the service user means sexual abuse; physical or psychological ill treatment; theft, misuse or misappropriation of money or property; or neglect and acts of omission which cause harm or place at risk of harm (please refer to the trust’s safeguarding adults and safeguarding children policies).
- **Events that stop or may stop the service from running safely and properly** – a level of staff absence or vacancy, or damage to the service’s premises that mean that people’s assessed needs cannot be met; the failure of a utility for more than 24 hours; the failure of fire alarms.
- **Serious Injuries to people who use the activity**- the person was seriously injured while a regulated activity was being provided. Their injury may have been a result of the regulated activity or how care was provided.

The following events require statutory notification direct to Care Quality Commission, and will not be reported via LFPSE:

- Deaths and unauthorised absences of people detained or liable to be detained under the Mental Health Act 1983.
- Applications to deprive a person of their liberty under the Mental Capacity Act 2005, and their outcomes (please refer to trust’s mental capacity act policy).

If you are dissatisfied with our response, you have the right to appeal in line with guidance from the Information Commissioner. In the first instance you may contact the Information Governance Manager of the Trust.

Information Governance Manager
Trust Headquarters
Russell’s Hall Hospital
Dudley
West Midlands
DY1 2HQ
Email: dgft.dpo@nhs.net

Should you disagree with the contents of our response to your appeal, you have the right to appeal to the Information Commissioners Office at.

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow

FOI/REF FOI-

Cheshire

SK9 5AF

Tel: 0303 123 1113

www.ico.org.uk

If you require further clarification, please do not hesitate to contact us.

Yours sincerely

Freedom of Information Team
The Dudley Group NHS Foundation Trust