

11 December 2019

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Our Ref: FOI/03483

Thank you for your request asking for copies of emails, correspondence, mental health documents and medication in relation to your mother Margaret Mary Molyneux.

Your request has been considered and processed in accordance with the requirements of the Freedom of Information (FOI) Act 2000.

I would be very grateful if you would provide the following information regarding my mother Margaret Mary Molyneux.

1. **Copies of all emails, or correspondence both internal and external including other nhs organisations, the ccg and external parties) from 01/01/2017 to 24/10/2019.**

Although there are no special exemptions in the Freedom of Information (FOI) Act for information about the deceased, we consider this information to be sensitive and an actionable breach of confidence if published in the public domain.

Therefore we have applied Section 41 – Held in Confidence to your request asking for copies of emails and correspondence regarding your mother as we consider this duty of confidentiality to extend beyond death¹.

This is an absolute exemption and therefore not subject to a public interest test but to aid your understanding of the FOI Act and our justification for non-disclosure I have outlined the reasons for and against as below:

Reason in favour of disclosure

It is reasonable to assume that as the daughter of the deceased you have legitimate interest into the care and treatment provided.

Reasons against disclosure

We do not believe the release of this highly sensitive information identifying an individual's health and treatment to be in the public interest and therefore exempt from publication. To publish and make publically available this sensitive information would be a breach of confidentiality.

We reached the view that, on balance, the public interest is better served by withholding this information under Section 41 of the FOI Act.

¹ Section 41 – Disclosure would constitute a breach of confidence has been applied

The Freedom of Information Act is about disclosure 'to the world' and it would be inappropriate to make this type of information public.

Please Note: All our Freedom of Information requests including attachments are published on the Trusts website in accordance with Section 19 of the FOI Act and Section 45 Code of Practice guidelines for best practice.

You further clarified that you also require everything relating to her:

Care And Treatment	S21 has been applied ² .
The Inquest	S21 has been applied ² .
The Mortality Review	S41 has been applied ¹ .
The Complaint	S21 has been applied ² .
The Serious Incident Declaration And Investigation	S41 has been applied ¹ .

Under Section 16 of the FOI Act – Duty to provide advice and assistance; we feel due to the sensitive and confidential nature of your mother's health and treatment the request would be better served through the Access to Health Record (AHR) Act 1990.

I can confirm that your request is being considered with under the AHR legislation. The reference number is ADR/0037 and has a due date of 5th December 2019².

2. Copies of all meeting notes or papers from 01/01/2017 to 24/10/2019

Please see the explanation given under Question 1. For the same reasons identified we feel the publication of meeting notes and papers in relation to your mother's health and treatment to be a breach of confidentiality and not in the public interest¹.

I can confirm that all minutes and notes of clinical meetings formed part of the Electronic Patient Record and were provided to you through your AHR request (Reference Number: 42682018).

3. Copies of all documents held by the Mental Health Office from 01/01/2017 to 24/10/2019

Please see the answer to questions 1 and 2. Again, for the same reasons identified, we feel it would not be appropriate to make such sensitive mental health information publically available¹.

I would also like to reiterate our communications that this information would be better handled through the AHR Act².

I can confirm that the full set of Mental Health Act papers will be provided under the AHR legislation (Reference Number ADR/0037).

4. Please can you provide a detailed listing of the daily medications given to my mother between 17/03/2017-01/06/2017 when she was in Wren Ward; and also if possible the same between 22/04/2017-05/07/17 when she was at Watford General Hospital. Please can you provide the UK manufacturer as well as individual tablet sizes.

² Section 21 – Information is available through other means

Please see the answer to questions 1, 2 and 3. We consider the publication of your mother's medication charts to be a breach of confidentiality¹.

I can confirm that you have already received all you mother's medication charts in July 2018 under your AHR request (Reference Number 42682018).

We are unable to provide you with your mother's medication charts whilst she was at Watford General Hospital because we do not hold this information³.

5. **A copy of the trust's policy and any associated forms for compliance with the Mental Health Act specifically around the procedure for requesting a Second Opinion Appointed Doctor, Urgent Treatment, Discharge from the Mental Health Act, and Transfer of Responsible Clinician.**

Please find attached:

- The Treatment Policy
- S62 Treatment Form
- Discharge Renewal & Extension Policy
- Discharge Form and Transfer of Responsible Clinician form

Forms in respect of requesting SOADs are already in the public domain either on the [CQC](#) portal or available from CQC.

Although we have included the T2 and CTO12 forms within the treatment policy other associated forms, (apart from the S62 form), are statutory and are already in public domain². Please follow the CQC link provided above.

The Approved Clinician role is legally defined under the Mental Health Act.

6. **A copy of the trust's High Dose Antipsychotic Policy.**

Please see attached our High Dose Antipsychotic Therapy (HDAT) Policy.

Should you require further clarification, please do not hesitate to contact me.

Please find enclosed an information sheet regarding copyright protection and the Trust's complaints procedure in the event that you are not satisfied with the response.

Yours sincerely

Sue Smith

Sue Smith
Information Rights Officer

Enc: Copyright Protection and Complaints Procedure Information Leaflet.

If you would like to complete a short survey in relation to your Freedom of Information request please scan the QR code below or click [here](#).



³ Section 1(1) Any person making a request for information to a public authority is entitled (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have that information communicated to him.