

Patient and Client Council

Your voice in health and social care

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5 February 2021

By Email

[REDACTED]

Ref: FOI 1379

Dear [REDACTED]

I am writing to you in response to your freedom of information request received by the Patient Client Council (PCC) on 9th December 2020 in which you requested information relating to Dunmurry Manor and Muckamore Abbey Hospital.

Please find requested information attached /below.

1) What part of the Patient Client Council legislations allows your staff to support, advocate or represent patients or relatives during an adult safeguarding investigation or serious adverse incident investigation?

With regard to the 'an adult safeguarding investigation' – the PCC has a responsibility to raise any safeguarding issues to the relevant Health and Social Care Trust, Adult Gateway Team for investigation.

In relation to 'serious adverse incident investigation, please refer to Section 17 of The Health and Social Care (Reform) Act (Northern Ireland) 2009: <https://www.legislation.gov.uk/nia/2009/1/section/17>

I would draw your attention to 17(1)
(a) which states: 'representing the interests of the public'; and
(c), which states: *"providing assistance (by way of representation or otherwise) to individuals making or intending to make a complaint relating to health and social care for which a body to which this section applies is responsible"*

Also attached is HSC Guidance relating to Serious Adverse Incidents – you will note highlighted areas where the PCC is referred to.

- 2) Please provide all records and minutes of the Muckamore Bamford steering group from 2014-2017.**

This is available via the PCC's website. Please refer to:

<https://patientclientcouncil.hscni.net/policies-and-procedures/bamford-monitoring-group>

- 3) How many patients/ relatives have you assisted with complaints in relation to Muckamore Abbey from 2015 to 2020?**

The PCC assisted 20 cases between 01/01/15 and 15/12/20 which involved the provision of advocacy, advice or information to patients of MAH and / or their carers / loved ones. Of these 20 cases, eight escalated into a formal complaints process. One formal complaint was brought to the Ombudsman.

- 4) Please release all public statements you made about the abuse discovered at Dunmurry Manor care home and all data you hold on the Home Truths report by COPNI**

The PCC has not released any public statements about the abuse discovered at Dunmurry Manor care home.

The PCC does not hold any data on the afore-mentioned report by COPNI.

- 5) Please release all public statements you made about the abuse discovered at Muckamore Abbey hospital and all the data you hold on the ongoing abuse case.**

As above, no public statements have been issued.

With the Minister of Health's announcement of a public inquiry, the PCC has been asked to act as an Independent Public Advocate in relation to the Public Inquiry into the abuse at Muckamore Abbey Hospital (MAH). Further information on the PCC's role can be viewed at the following:

<https://patientclientcouncil.hscni.net/muckamore-abbey-hospital/>

Work to date has involved a number of online engagements with carers of Muckamore Residents. The notes of these meetings represent preliminary discussions between PCC and Department of Health (DoH), which will then be used to finalise engagement with members of the public.

As it is anticipated that the terms of these engagements will, inform the public inquiry. I wish to advise therefore that this information is currently considered exempt by virtue of Section 22 of the Freedom of Information Act 2000 ('Information intended for future publication'). Section 22 is a qualified exemption, and therefore subject to a public interest test.

In considering this, I note the public interest in transparency being demonstrated by releasing the information with this reply. Further I note that

there is a public interest in public bodies providing information they hold that falls within the scope of an FOI request as quickly as possible.

However, this needs to be balanced with the public interest in such a public body ensuring the maximum cost effectiveness and sharing accurate information. I am of the view that provision of this information in response to an FOI request prior to publication is not the most cost effective way of placing this information in the public domain, when it may yet be subject to further amendments. Further, at this time, it is important that officials from both PCC and DoH have the space to develop ideas and boundaries for such public interactions.

Given the above I have concluded that it is reasonable in all the circumstances to withhold this information until such times as it is published (and noting that this date of publication does not need to be determined). However, it is envisaged that once finalised, the public engagements will be referenced in the published Muckamore Inquiry report.

I can further advise that the PCC sits on the DoH Muckamore Departmental Assurance Group. Approved minutes of these meeting are available on the DoH website:

<https://www.health-ni.gov.uk/publications/minutes-muckamore-departmental-assurance-group>

I hope that the information provided assists you. If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter.

In the event that you require a review to be undertaken, you can do so by writing to

Information Governance Manager
2 Franklin Street,
Belfast,
BT2 8DQ

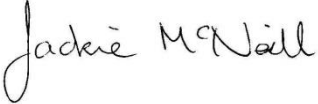
If, following an internal review carried out by an independent decision making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Data Protection Act.

You can contact Information Commissioner at:

Website: www.ico.org.uk
Phone: 0303 123 1113
Email: casework@ico.org.uk
Post: Information Commissioner's Office
3rd Floor, 14 Cromac Place
Belfast
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However the Commissioner has the option to investigate the matter at his discretion.

Yours sincerely,

A handwritten signature in black ink that reads "Jackie McNeill". The signature is written in a cursive style with a large initial 'J'.

Jackie McNeill
Head of Business Support, PCC