

**Tees Esk and Wear Valleys NHS Foundation Trust response to the
Independent Investigation into the Care and Treatment of MB 2015/29688**

MB received in-patient care in Harrogate between 26th August 1999 and 13th March 2000. He continued to receive out-patient care until approximately 12th April 2001. During this time period the hospital, including the mental health services provided at the Briary Wing was run by Harrogate PCG. While Tees Esk and Wear Valleys NHS Trust (TEWV) recognises the broad ongoing responsibility inherited when merging with other organisations, and the tragic circumstances which occurred, this particular incident relates to a timeframe of some 14 years prior to notification, when TEWV were not responsible for the mental health services in Harrogate.

TEWV feels it cannot therefore be held responsible for the quality of the records formed as the quality of the records provided to the review team reflected the notes inherited by TEWV. However the following information is provided to a) identify the organisational changes that have occurred over time and b) provide assurance regarding the expected quality of records management and record keeping practice within TEWV to demonstrate that the record keeping practice referred to in no way resembles practice within the TEWV organisation. For example in TEWV there has been an electronic care record and associated procedures in place since 2008.

a) Responsibility for Mental Health Services in Harrogate District Hospital

The timeline leading up to TEWV becoming responsible for the mental health services in Harrogate is provided below.

Harrogate District Hospital – 1999 to present

In April 1999 Harrogate Primary Care Groups (PCGs) was established

Craven, Harrogate & Rural District PCT was established in January 2002.

Oct 1st 2006 North Yorkshire and York Primary Care Trust (PCT) was formed by the merger of the four original North Yorkshire Primary Care Trusts, which were:

- Craven, Harrogate & Rural District PCT
- Hambleton and Richmondshire PCT
- Scarborough, Whitby and Ryedale PCT
- Selby and York PCT

PCTs were abolished in April 2013 and Harrogate and Rural CCG are now responsible for commissioning local health services.

Harrogate District Hospital is now managed by Harrogate and District NHS Foundation Trust which was founded under the Health and Social Care (Community

Health and Standards) Act 2003 and authorised as an NHS Foundation Trust from 1 January 2005.

Tees Esk and Wear Valleys NHS Foundation Trust 2006 to present

Tees, Esk and Wear Valleys NHS Trust (TEWV) was created in April 2006, following the merger of County Durham and Darlington Priority Services NHS Trust and Tees and North East Yorkshire NHS Trust.

In July 2008 the trust achieved foundation trust status under the NHS Act 2006.

In June 2011 TEWV took over the contract to provide mental health and learning disability services to the people of Harrogate, Hambleton and Richmondshire. On 1 October 2015 TEWV took over the contract to provide mental health and learning disability services in the Vale of York.

Mental health services at Harrogate District Hospital provided by Tees, Esk and Wear Valleys NHS Foundation Trust:

- Rowan Ward - mental health inpatient services for older people
- Rowan Day Hospital - mental health services for older people
- Cedar Ward - acute mental health inpatient services for adults
- Alcohol treatment services

b) The clinical records of MB

The clinical records for all patients that attended at the Briary Unit are now held in archive as follows:

Microfiche – all records up to 2006

CD – all records 2007 and 2008

Paper – from 2009 onwards

The clinical records for MB were transferred into the care of TEWV in June 2011. At this time the records were held as archive records in the formats described above. Records that are transferred to another medium are held as original records and as such should be checked for their quality prior to the destruction of the original format (paper). The records held to varying degrees of quality and this is often a reflection of the original quality of the paper records. It is arguable that some of the records should not have been transferred to microfiche or CD because of their original quality. The records that TEWV were able to disclose were a print taken directly from the microfiche and were of extremely poor quality.

Tees Esk and Wear Valleys NHS FT assurance regarding current practices in relation to records management.

The Trust procedure, *Requests for Information: how to make them and what we do* Ref CORP-0006-001-v12016 describes what staff need to do to request or implement lawful disclosure of information about patients, staff and business activity. Information can also be required to be disclosed about deceased patients. The

Confidentiality and sharing information policy Ref CORP-0010-v9.1 2017 describes how personal confidential information should be protected or shared.

All disclosures should go through the Data Protection office in order that they can be tracked and traced (Procedure for moving records and other sensitive information CORP/0029/v6(1)) and the quality of the disclosure can be monitored and recorded. Scanning is not allowed of TEWV records (for declaration purposes) and will not be authorised until we have confirmation that scanning standards are in place. This is why we keep the paper (the declared record) and any copies scanned are an additional source but not part of the legal record.

The only people that have authority to hand over original records, other than the Information Governance Office, are the legal department because they have robust tracking and tracing systems in place, take copies and ensure the records are returned. Trust policy states that no one should hand over original records without the approval of the Head of Information Governance department.