



East London

**NHS Foundation Trust
Information Governance**

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Website: <https://www.elft.nhs.uk>

26 September 2024

Our reference: FOI DA5529

I am responding to your request for information received 7 August 2024. I am sorry for the delay in responding to your request. This has been treated as a request under the Freedom of Information Act 2000.

When an organisation receives a request for information under the Freedom of Information Act, it is allowed under the Act to apply a blanket exemption to this where it has concluded that providing a response would take in excess of eighteen hours.

When the cost of compliance and extracting information would exceed eighteen hours, a cost limit of £450 can be applied. This is explained in Section 12 of the Freedom of Information Act 2000 and is based on a rate of £25 per hour, regardless of the rate of pay of any individual involved in the retrieval of requested information, and equates to eighteen hours work.

Having reviewed your request, the Trust has noted that it would not be able to provide all the information requested within the eighteen hours specified in the Freedom of Information Act 2000. However, in this instance and to assist you, we have provided a partial response to your request as per below.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,

Information Rights Coordinator



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If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Web: www.ico.org.uk

Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention



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Request: This is a formal request under the Freedom of Information Act.

On 10 July 2024, the Inner North London Coroner's Court issued a prevention of future deaths report to ELFT, raising concerns about the fabrication of patients' records. This report was published online by the government, and can be viewed here:

<https://www.judiciary.uk/prevention-of-future-death-reports/mahamoud-ali-prevention-of-future-death-report/>

The report says that ELFT identified 11 fatal incidents (on top of the death of Mahamoud Ali) in which records may have been fabricated. However, the dates and locations were not handed over to the coroner, nor any description of the circumstances of each death.

It also states that in Autumn 2022, ELFT began investigating fabrication of patient records but its work unfortunately found instances of records being forged were going up instead of down.

Please provide the following information:

Question 1: Copies of all internal reports or documents which detail the 11 further fatal incidents and why there is a potential that records were fabricated

Answer: The Trust has reviewed Question 1 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 12(1) of the Freedom of Information Act 2000 states:

Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit

The Trust has reviewed your request for information and in order to collate this information, it would be necessary to review all documents relating to each case from multiple directorates. It would take in excess of the 18 hours appropriate limit to conduct a review of the documents.

Please note that, even if this request is refined in future to below the appropriate limit, it is likely further exemptions could be applied in full or in part, including Section 32 (Court Records) and Section 40 (Personal Information).

Question 2: Copies of all internal reports or documents which detail the Trust's investigations into the fabrication of records and how it was determined that instances were going up, not down.

Answer: The Trust has reviewed Question 2 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 1(1) of the Freedom of Information Act 2000 states:

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 them.

East London NHS Foundation Trust does not record the information requested and is therefore unable to provide a response. Please note that there are no internal reports or investigations into any alleged fabrication of records.



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Nonetheless there has been discussion regarding this following the *Prevention of Future Deaths* report issued by the Inner North London Coroner's Court on 10 July 2024. These discussions informed the Trust's response to the Coroner on 4 September 2024. This has been published and is available at: <https://www.judiciary.uk/wp-content/uploads/2024/07/2024-0379-Response-from-ELFT.pdf>

Question 3: Copies of all correspondence sent between ELFT and the coroner's office, regarding the inquest into the death of Mahamoud Ali, between 1 September 2023 and 30 April 2024.

Answer: The Trust has reviewed Question 3 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 32(1)(c)(i) of the FOI Act states:

32 —(1) Information held by a public authority is exempt information if it is held only by virtue of being contained in—

(c) any document created by—

(i) a court, or

(ii) a member of the administrative staff of a court,

for the purposes of proceedings in a particular cause or matter.

The information requested relates to records held by the Court for the purposes of proceedings in a particular cause or matter. For this reason, the Trust has applied this exemption.



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