



**East London**

**NHS Foundation Trust  
Information Governance**

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15 October 2024

**Our reference: FOI DA5507**

I am responding to your request for information received 19 July 2024 and clarified on 7 August. 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.

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

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](http://www.ico.org.uk)

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**Chief Executive Officer:** Lorraine Sunduza  
**Chair:** Eileen Taylor

**Request:**

**Question 1: Please confirm has your Trust adopted the Just Learning Culture in handling of concerns following receipt of Dido Harding's letter that was sent to all Chairs and Chief Executives of NHS Trusts and NHS Foundation Trusts dated 23 May 2019.**

Answer: Yes, the Just and Learning Culture has been formally adopted within our Trust policies when they come up for renewal and informally prior to that.

**Question 2: Does your Maintaining High Professional Standards framework (MHPS) Procedure set out an informal process to deal with concerns pertaining to conduct/ capability of medical and dental staff, if so please provide details.**

Answer: The current MHPS policy, which is currently being reviewed, does not provide in depth informal processes to deal with concerns.

It states:

- i) If the concerns about capability cannot be resolved routinely by management, the matter must be referred to Practitioner Performance Advice (PPA) before the matter can be considered by a capability panel.

The policy also contains a flow chart directing non serious concerns to consider use of:

- Remediation Rehabilitation & Reskilling for Medical Staff Policy
- Supervision
- Mentoring
- team facilitation
- mediation
- PPA advice

**Question 3: Please provide details of what training and support is provided by your Trust to Case Investigators and Case Managers when dealing with MHPS (Maintaining High Professional Standards) cases.**

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

Section 21(1) of the FOI Act states:

*(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.*

The information requested is accessible here:

[Maintaining Professional Standards](#)

The Trust also commissions training externally via the PPA Training or Capsticks.

**Question 4: Please can you confirm if your Trust has a Decision-Making Group and if so please can you confirm who sits on this group/how this is constituted and its remit?**

**Clarification: This question seeks to understand whether or not the Trust has a decision-making group or committee in support of the GMC responsible officer in reference to their decision-making arising from the MHPS procedure, such as whether to exclude a clinician from the workplace and whether formal or informal steps are require etc., other**



**NHS Trusts have them and they use a variety of names for them, such as “Professional Standards Advisory Group” or “Responsible Officer Advisory Group”.**

Answer: The Trust does not currently have such a designated Decision Making Group. Consideration, advice and input into such decision making is currently sought on a case-by-case basis from a senior person in the Trust's People and Culture Department (Human Resources) and the PPA (Practitioner Performance Advice at NHS Resolution) to support the Chief Medical Officer/Medical Director and Responsible Officer with such decisions.

**Please provide a breakdown of the requested information below for the period from May 2019 to date:**

**Question 5: The number of cases of medical and dental staff that were handled and resolved via a Just Culture approach and informal process.**

Answer: The Trust has reviewed question 5 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.

**Question 6: The number of cases of medical and dental staff that were subjected to a formal MHPS investigation.**

Answer: The Trust has reviewed question 6 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 40 for the FOI Act states:

*(2) This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the UK GDPR.*

The information you have requested relates to less than ten individuals and has the potential for those individuals to be identified. The Trust is therefore unable to provide this information in detail.

**Question 7: The number of medical and dental staff that have been formally excluded under MHPS and the duration of the exclusion.**

Answer: No staff have been formally excluded under MHPS in this time period.

**Question 8: Where medical and dental staff have been formally excluded under MHPS please provide a breakdown of whether this was on grounds of**

- a. a need to protect the interests of patients or other staff pending the outcome of a full investigation, and/or**
- b. the presence of the practitioner in the workplace was likely to impede the gathering of evidence during the investigation?**

Answer: Not applicable.



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**Question 9: How many medical and dental staff have been the subject of a formal process in relation to concerns over conduct and performance after they have made a protected disclosure (whistleblowing) following concerns over patient safety or other issues?**

Answer: No staff have been the subject of a formal process review over conduct following concerns over patient safety or other issues in this time period.

**Question 10: Please provide the number of medical and dental staff that were placed on restricted duties**

**a. and the duration of these restrictions.**

Answer: The Trust has reviewed question 10 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 40 for the FOI Act states:

*(2) This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the UK GDPR.*

The information you have requested relates to less than ten individuals and has the potential for those individuals to be identified. The Trust is therefore unable to provide this information in detail.

**Question 11: Please provide a breakdown of how many of these formal MHPS investigations were:**

- a. Resolved with no further action due to the concerns not being upheld**
- b. Resolved via an agreement to proceed through a disciplinary fast track process which avoided the need to proceed to a formal hearing**
- c. Proceeded to a formal hearing – conduct or capability (provide breakdown)**
- d. Other outcome - provide details**

Answer: The Trust has reviewed question 11 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 40 for the FOI Act states:

*(2) This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the UK GDPR.*

The information you have requested relates to less than ten individuals and has the potential for those individuals to be identified. The Trust is therefore unable to provide this information in detail.

**Question 12: Of the cases that proceeded to a formal hearing please confirm how many of these resulted in:**

- a. No disciplinary sanction - because the allegation/concerns were not upheld**
- b. No disciplinary sanction - but ended with a recommendation for additional training/remediation/support**
- c. A disciplinary sanction – please confirm the level of this sanction (e.g. written warning/final written warning/dismissal)**
- d. Number of**



**medical staff who appealed the disciplinary sanction and the outcome**

**d. Other outcome - provide details**

Answer: The Trust has reviewed question 12 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 40 for the FOI Act states:

*(2) This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the UK GDPR.*

The information you have requested relates to less than ten individuals and has the potential for those individuals to be identified. The Trust is therefore unable to provide this information in detail.

**Question 13: Please provide length of time from start to finish of each MHPS case.**

Answer: The Trust has reviewed question 13 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 40 for the FOI Act states:

*(2) This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the UK GDPR.*

The information you have requested relates to less than ten individuals and has the potential for those individuals to be identified. The Trust is therefore unable to provide this information in detail.



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