



**University Hospitals
of North Midlands**
NHS Trust

Ref: FOIA Reference 2018/19-679

Royal Stoke University Hospital
Quality, Safety and Compliance Department
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Date: 21st March 2019

Email FOI@uhnm.nhs.uk

Dear

I am writing in response to your email dated 11th February 2019 requesting information under the Freedom of Information Act (2000) regarding staff fired for committing crimes.

I can neither confirm nor deny whether the information you have requested is held by the Trust in its entirety. This is because the information requested in questions 3 and 4 is not held centrally, but may be recorded in individual personnel records. In order to confirm whether this information is held we would therefore have to individually access all personnel records within the Trust and extract the information where it is present. We therefore estimate that complying with your request is exempt under section 12 of the FOI Act: cost of compliance is excessive. The section 12 exemption applies when it is estimated a request will take in excess of 18 hours to complete. We estimate that accessing and reviewing all personnel records and then extracting relevant information would take longer than the 18 hours allowed for.

Under section 16 of the FOI Act we are required to provide requestors with advice and assistance where possible. We would therefore like to advise you that if your request is shortened to just questions 1 and 2 we are able to comply within the 18 hour time frame. In order to avoid delay to your response we have provided this below.

As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

Q1 How many doctors and nurses (a breakdown of each if possible) were fired from your Trust in 2018 for committing crimes?

A1 We are unable to provide the information you require in the requested format as to release this data could lead to the identification of the person(s) involved due to the low numbers involved, and would breach the Trusts obligations under Data Protection Act 2018. Accordingly, this aspect of your request is exempt from disclosure under the terms of Section 40(2) of the FOI Act. *Personal information*. However as the Trust is committed to openness and transparency we can band the numbers as being less than 5.

Please note: If an employee were prosecuted for committing a crime, the circumstances would be investigated by the Trust and any relevant information obtained during those enquiries would be taken into account when considering the need for action in accordance with the Trust Disciplinary Policy. If it was found that the circumstances impinged on the Trust and/or the



employee ability to continue in their employment, then they may be dismissed for gross misconduct. This is because the suitability for employment of a person with a criminal record will vary depending on the nature of the job, the details and circumstances of any conviction, reprimands, final warnings or convictions.

Q2 Please could I also request a breakdown of what these crimes were?

- A2 These crimes breakdown as follows:
- Alleged theft
 - Common assault
 - Alleged drink driving and failure to stop

Q3 How many doctors and nurses (a breakdown of each if possible) were fired ten years earlier in 2008 for committing crimes?

A3 Section12 Exemption as detailed above.

Q4 Please could I also request a breakdown of what these crimes were?

A4 As answer 3

*Please note that any individuals identified do not give consent for their personal data to be processed for the purposes of direct marketing.

UHNM NHS Trust is a public sector body and governed by EU law. FOI requestors should note that any new Trust requirements over the EU threshold will be subject to these regulations and will be advertised for open competition accordingly.

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An anonymised copy of this request can be found on the Trust's disclosure log, please note that all requests can be found at the following link: <http://www.uhnm.nhs.uk/aboutus/Statutory-Policies-and-Procedures/Pages/Freedom-of-Information-Disclosure-Log.aspx>

This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via www.ico.org.uk.

If following review of the responses I can be of any further assistance please contact my secretary on 01782 676474.

Yours,



Leah Carlisle
Deputy Head of Quality, Safety & Compliance