

21 March 2023

Dear

ATISN 17188– Raising Concerns with NHS Wales

Thank you for your request to the Welsh Government for information received on 22 February 2023. Although you have submitted this as a Freedom of Information (Fol) request, we believe most of your questions are not valid Fol requests. The Freedom of Information Act (2000) (FOIA) provides a right to request what a public authority holds as recorded information at the time a request is submitted. This may be making a direct request for copies of specified information, or asking questions that can be answered by providing what is already held as recorded information by the public authority. For clarity we believe that questions 1-4 listed below are valid Fol requests, whilst the remaining questions are questions that fall outside the remit of the FOIA. Our response will deal with the Fol parts first and then we will respond on the remaining questions.

You requested the following, in relation to Welsh Government policy on Whistleblowing:

- 1. A copy of the pathway or guidance of the Wales Government for a whistle-blower who has raised concerns about unsafe concerns closures and has not received commensurate response.*
- 2. Information that shows whether the NWSSP (NHS Wales Shared Service Partnership) is an appropriate authority to raise such concerns?*
- 3. When was the one for Wales DATIX policy applicable legally to all NHS organisations and when was it applied in each individual health bodies in Wales to whom it is applicable.*
- 4. Please provide me a copy of the Evans report.*

Our response

1. Information has been provided on this matter previously and we do not have anything further to add to that response. Please see response provided in ATISN 16928 on 4 January 2023.
2. Please see response to point 1 above.
3. Regulation 50 of [The National Health Service \(Concerns, Complaints and Redress Arrangements\) \(Wales\) Regulations 2011 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2011/1819/regulation-50) sets out the records regarding concerns that responsible bodies (Welsh NHS body, primary care provider or independent provider) are required to maintain.

The use of Datix is not mandatory but the Evans review of 2014 made two recommendations (22 and 24) about the lack of a national platform which hampered

health organisations' ability to collect the data. All health boards and trusts operated different versions and modules of the same software supplier, Datix, with individual contracts.

In 2015 the Minister agreed to a project for a once for Wales electronic risk management system (now Once for Wales Concerns Management System (OfWCMS)). In 2017, the hosting arrangements for the project passed to the Welsh Risk Pool, NHS Wales Shared Services Partnership (NWSSP). In 2019, following a competitive tender process a contract for the main system functionality and the risk management system was awarded to RL Datix Ltd.

The new Datix Cymru cloud-based system was launched on 17 May 2021 and replaced previous versions across NHS Wales. It provides a single system for the consistent handling of incidents, complaints, claims, redress cases, risk registers, safeguarding referrals and mortality review records.

4. A copy of the report, A Review of Concerns (Complaints) Handling in the NHS Wales "Using the Gift of Complaints" by Keith Evans is included at Annex 1.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Looking at your non Fol questions:

1. *If the CMO's remit does or does not include reviewing serious concerns about matters that would lead to selective information or omission of information from appraisals?*

We can confirm the CMO's remit does not include reviewing serious concerns about matters that would lead to selective information or omission of information from appraisals.

- 2. Please confirm if the CMO and his authorised office staff can access appraisal data of doctors in the Wales NHS without the HEIW system asking for record of their reasons to do so*

We can confirm the CMO and his authorised office staff can not access appraisal data of doctors in the Wales NHS without the HEIW system asking for record of their reasons to do so.

- 3. If Once for Wales is not responding to queries despite being directed to it after a previous Fol enquiry to Wales Government, what is the role of the Wales Government in its management/ oversight?*

FOI requests to NWSSP can be made direct: [Making a Freedom of Information Request - NHS Wales Shared Services Partnership](#). If you are not happy with the way NWSSP has handled your request you should contact the Information Commissioner's Office: [Wales office | ICO](#)

Yours sincerely,