

Chief Executive
2 Franklin Street
BELFAST
BT2 8DQ

Tel: 028 9536 3863
Email: FOI.BSO@hscni.net

16th February 2024

BY EMAIL

Our Ref: FOI 2130

Dear [REDACTED],

Your request for information was received on 23rd January 2024 and was dealt with under the terms of the Freedom of Information Act 2000. Please be advised that the Business Services Organisation (BSO) has now completed its search for the information you requested in relation to BSO's Legal Services.

Please find a response as follows:

Please confirm who or what regulates the conduct of the DLS - to whom is the DLS accountable/responsible?

DLS is part of the Directorate of Operations, which is accountable via BSO's Board, to the Department of Health.

Lastly, if the DLS is (allegedly) some form of separate/independent(?) entity within the BSO, and 'DLS provides a legal service to all Trusts', please confirm if this separate/independent(?) 'legal service' is free to all of the said Trusts?

The service is not free.

I hope that the information provided assists you. If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter, as the BSO, along with all other public authorities are not obliged to accept internal review requests after this period has lapsed.

In the event that you require a review to be undertaken, you can do so by writing to

Information Governance Manager,

Providing Support to Health and Social Care



2 Franklin Street,
Belfast,
BT2 8DQ

If, following an internal review, carried out by an independent decision-making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Freedom of Information Act.

You can contact Information Commissioner at:

Website: www.ico.org.uk
Phone: 0303 123 1113
Email: casework@ico.org.uk
Post: Information Commissioner's Office
3rd Floor, 14 Cromac Place
Belfast
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However, the Commissioner has the option to investigate the matter at his discretion.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'K Bailey', is written over a light grey rectangular background.

for Karen Bailey
Chief Executive

Chief Executive
2 Franklin Street
BELFAST
BT2 8DQ

Tel: 028 9536 3863
Email: FOI.BSO@hscni.net

13th March 2024

BY EMAIL

Our Ref: FOI 2130

Dear [REDACTED],

I refer to your correspondence received on 19th February 2024 and 4th March 2024, seeking further information in relation to the above-referenced FOI request.

Please find a response as follows:

1) Is the Southern Health & Social Care Trust (SH&SCT) a distinct and separate entity from the 'Health and Social Care Board'?

The Health and Social Care Act (Northern Ireland) 2022 became law on 2 February 2022 and the HSCB closed on 31 March 2022. The functions of the HSCB transferred to the 'Strategic Planning and Performance Group' of the Department of Health (DoH). The DoH and SHSCT are separate legal entities.

2) What are the criteria set by the Department of Health / Public Health Agency (PHA) that categorise a Serious Adverse Incident (SAI)?

Definitions provided by DoH and PHA are available via their respective websites:

- <https://www.health-ni.gov.uk/topics/serious-adverse-incidents>
- <https://www.publichealth.hscni.net/directorates/nursing-and-allied-health-professions/safety-and-quality>

**3) [REDACTED]
[REDACTED]
[REDACTED] please confirm that the [REDACTED]
[REDACTED] was categorised with/reported to the
SH&SCT [REDACTED] as an SAI?**

SAIs are not reported to BSO. Refer to either SHSCT or DoH SPPG.



- 4) Was [REDACTED] reported to the SH&SCT [REDACTED] using the SAI Notification Form within 72 hours of the incident happening, and submitted to the 'Health and Social Care Board' within 4 weeks of same?

SAIs are not reported to BSO. Refer to either SHSCT or DoH SPPG.

- 5) If [REDACTED] did report/categorise [REDACTED] as an SAI, did the SH&SCT determine [REDACTED] met the criteria for an SAI, and was [REDACTED] advised by the SH&SCT of their determination?

This is not a matter for BSO to comment on. Refer to SHSCT.

- 6) If so, what was their determination - did the SH&SCT agree that [REDACTED] met the criteria for an SAI?

This is not a matter for BSO to comment on. Refer to SHSCT.

- 7) If the SH&SCT determined that [REDACTED] met the criteria for an SAI, was the 'Health and Social Care Board' informed accordingly by the SH&SCT?

SAIs are not reported to BSO. Refer to either SHSCT or DoH SPPG.

- 8) If the SH&SCT informed the 'Health and Social Care Board' accordingly, was the outcome shared by the 'Health and Social Care Board' with [REDACTED]?

SAIs are not reported to BSO. Refer to either SHSCT or DoH SPPG

- 9) If so, what was the outcome?

SAIs are not reported to BSO. Refer to either SHSCT or DoH SPPG

- 10) Can you please provide a copy of any report/outcome by the 'Health and Social Care Board', or would I be obliged to seek this direct from the SH&SCT, or by submitting a Freedom of Information Act 2000 (FOIA) request in order to obtain this information?

SAIs are not reported to BSO. Refer to either SHSCT or DoH SPPG

- 11) If [REDACTED] did not report/categorise [REDACTED] to the SH&SCT as an SAI, please explain why not?

This is not a matter for BSO to comment on. Refer to SHSCT or [REDACTED].

- 12) What is/was the name/grade of the designated Social Worker who was informed of the [REDACTED] *serious adverse incident*, and when was he/she contacted by [REDACTED]?

SALs are not reported to BSO. Refer to either SHSCT or DoH SPPG.

- 13) [REDACTED] is not aware of ever being advised about the Patient Client Council - why is/was this?**

This is not a matter for BSO to comment upon. Refer to SHSCT.

- 14) With reference to [REDACTED] response that 'a Next of Kin does not have an automatic right to access the health records of a deceased relative' since the Access to Health Records (NI) Order 1993 (AHR Order) 'does not recognise Next of Kin on its own, as a personal representative with the right to access a late relative's health records'...would [REDACTED] ('Next of Kin') be in a position to apply for this information on our behalf - would [REDACTED] be obliged to 'contact the health professionals involved' and, if so, would said 'health professionals' be [REDACTED]**

Requests for medical records are dealt with by the Trust holding the records in accordance with Access to Health Records (Northern Ireland) Order 1993. The BSO is not in a position to provide you with advice on eligibility. You may therefore wish to seek your own legal advice on the matter.

- 15) Please confirm at your earliest possible convenience how many patients/residents were present in the dining room at that particular meal sitting whenever [REDACTED] serious adverse incident in [REDACTED] on [REDACTED]?**

This is not a matter for BSO to comment upon. Refer to SHSCT or [REDACTED]

- 16) Please confirm how many witnesses were there to [REDACTED] as a direct result of [REDACTED] serious adverse incident in [REDACTED] on [REDACTED]?**

This is not a matter for BSO to comment upon. Refer to SHSCT or [REDACTED]

- 17) ... Please confirm who was [REDACTED] 'named nurse' whom he was 'allocated on admission' ('the clients and families designated person to implement, review and evaluate the care package')?**

This is not a matter for BSO to comment upon. Refer to SHSCT or [REDACTED]

- 18) In respect of the statement that the home is 'registered with the Southern Health and Social Services Trust along with other Trusts', please confirm the names of the 'other Trusts' with which [REDACTED] is 'registered'.**

This information is not held by BSO. Refer to RQIA.

- 19) In respect of the statement that the home is 'registered' also 'with the Regulatory, Quality and Improvement Authority (RQIA) and regularly**

inspected', please confirm when the home was 'registered' with the RQIA, and how regularly is the home inspected by the RQIA? ... every year/two years/three years/four years ... etc.?

This information is not held by BSO. Refer to RQIA.

- 20) In respect of the statement that the home is (registered) 'also with the Regulatory, Quality and Improvement Authority (RQIA) and regularly inspected', please confirm when the home was last inspected by the RQIA, and give details/ dates of all previous RQIA inspections/outcomes since the home's first registration.**

This information is not held by BSO. Refer to RQIA.

- 21) Please confirm the total number of Nursing/Care staff on duty in [REDACTED] on [REDACTED]?**

This information is not held by BSO. Refer to SHSCT or [REDACTED]

- 22) Please specify (qualified/unqualified) the number of Nursing/Care staff on duty in [REDACTED] on [REDACTED]?**

This information is not held by BSO. Refer to SHSCT or [REDACTED]

- 23) Please confirm the ratio of said staff (on duty) to patients in [REDACTED] on [REDACTED]?**

This information is not held by BSO. Refer to SHSCT or [REDACTED]

- 24) Who is the BSO(?) / the DLS(?) 'Information Governance Manager', and What is their full contact e-mail address?**

[REDACTED] is the BSO Information Governance Manager, and may be contacted via this address.

- 25) Since the 'DLS provides a legal service to all Trusts' which is not free, for the sake of transparency and accountability and the valid and legitimate public interest, please confirm in full how much money (out of the 'public purse') has been invoice by/paid to the DLS to date by the SH&SCT in respect of 'legal fees' for the DLS issuing their fitful bully-boy threats of legal action against our family ...**

DLS provides legal advice and representation to the SHSCT on the basis of a block contract, which is a global figure that covers the provision of all legal services. The Trust is not charged for individual cases, and therefore, the information you seek is not held. I would refer to the ICO Decision Notice [IC-202129-C6F2](#) which upholds this position.

- 26) Who or what is the 'Directorate of Operations'?**

A directorate within BSO, details of which are available via:
<https://bso.hscni.net/directorates/operations/>

27) Who in the Department of Health is in charge of/is responsible for regulating the DLS, and what is their full contact e-mail address?

This information is not held by BSO. Please refer your question to the Department of Health.

28) Please define/explain [REDACTED] 'the BSO's 'ongoing legal matter' mantra.

DLS is instructed in this matter by Southern Health & Social Care Trust and are engaged in ongoing correspondence with you in relation to the legal issues in dispute.

29) Since [REDACTED], maintains that the Directorate of Legal Services (DLS) is akin to some separate/independent(?) entity ... we contend that there must be some connection here

[REDACTED] has not suggested that DLS is a separate legal entity to BSO. As per information provided previously, and above, BSO Legal Services (DLS) are part of the Directorate of Operations. BSO is a separate legal entity to all other Health and Social Care (HSC) Organisations.

I hope that the information provided assists you. If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter, as the BSO, along with all other public authorities are not obliged to accept internal review requests after this period has lapsed.

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Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Karen Bailey', written in a cursive style.

Karen Bailey
Chief Executive