

Dear

FREEDOM OF INFORMATION – PATIENT DEATHS / SEXUAL ASSAULT

I write in response to your request for information in relation to patient death and sexual assault with Mental Health.

Question:

1. The number of patient deaths that have occurred over the past ten years, in both the REH, as well as in overall NHS Lothian MH care;
2. The causes of death of those REH and the other NHS Lothian MH patients;

Answer:

National Specialty	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
General Psychiatry (Mental Illness)	5<	5<	5<	5<	5<	5<	5<	5<	5<	5<
The total number for the period above was 37. We do not have any access to data regarding prisons, custody, remand, in a centrally extractable format.										

To protect the identity of the individuals involved any figure of 5 or less has not been shown in the table above. Since we do not have their consent to release this data from their records, the information is exempt under section 38(1)(b) of the Freedom of Information (Scotland) Act i.e. to provide it would breach the Data Protection Act (2018). Datix does not breakdown detail by cause and for the same reason stated above we cannot examine further and provide the specific reasons for cause of death.

Question:

3. The number of reported incidents of sexual assault in both the REH and in overall NHS Lothian MH care over the past ten years;

Answer

I am advised that the service use the code - Violence & Aggression Patient to Patient (Physical) to report these. We would need to go through all of them to determine if there was an element of sexual assault.

Under the Freedom of Information Act NHS Lothian is not required to create new records to enable it to respond to your enquiry. This information is not collated or held in aggregate form and it would be necessary to review all case files relating to sexual assaults over the period you have requested to assemble the information you seek. Even if NHS Lothian did this – and there would be significant cost implications in doing so – it would be unable to respond in full to your request. The information requested is therefore exempt under section 12.1 – Cost.

Question

4. The number of prosecutions and/or convictions for sexual assaults within the REH and in overall NHS Lothian MH care over the past ten years;

Answer:

We are not able to provide this. This could end up patient identifiable plus DATIX does not break the information down to this level.

Question:

5. The number of REH/NHS Lothian staff that have been disciplined or struck-off professional registers in light of misconduct toward patients over the past ten years.

Answer:

I am advised by the Employee Relations Department of NHS Lothian we do not centrally collect conduct information by reason.

Under the Freedom of Information Act NHS Lothian is not required to create new records to enable it to respond to your enquiry. This information is not collated or held in aggregate form and it would be necessary to review all case files relating to staff discipline over the period you have requested to assemble the information you seek. Even if NHS Lothian did this – and there would be significant cost implications in doing so – it would be unable to respond in full to your request. The information requested is therefore exempt under section 12.1 – Cost.

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the

Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhslothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing, Midwifery and AHPs
Cc: Chief Executive