

5 July 2023

Dear

Complaint in respect of ATISN 18584 – Betsi Cadwaladr UHB

I am responding to your email which was received on 15 June 2023 in which you asked us to review the response issued to your request for information under the Freedom of Information Act 2000 (FOIA). This letter is to inform you of the outcome.

In your original request dated 11 June 2023, you referred to the Geraint Evans Report, and asked for the following:

As this is a Welsh Government report can you confirm:

- 1. That you have provided a full list of any patient related safety issues that were identified during the course of the relevant disclosures and investigative interviews.*
- 2. I am requesting a redacted version of the advice you have given to the BCUHB Board in relation to identified safety issues.*
- 3. A copy of the briefing document provided to the Health Minister in relation to identified safety issues.*

In our response dated 15 June 2023, we explained that regarding your first question, this was not a valid Freedom of Information request and therefore we were not responding. I am satisfied that this was an appropriate response.

In connection with your second question, you have now asked whether “*the relevant information*” was passed to the Board to address. More specifically you asked:

The current response indicates that there were either no patient safety issues raised in the investigation or if there were identified issues these have not subsequently been passed to the Board for action. Which of these statements is correct?

I can confirm that an unredacted copy of the Evans report was shared with the (then) Chair and Independent Members on 1 February 2023. The report has not been published, and therefore it would be inappropriate for the Welsh Government to comment on leaks or speculation regarding the content of the report.

In relation to the third question, you have asked us to comment on your interpretation of the response that we provided – ie. that the Welsh Government does not hold a copy of any briefing provided to the Minister regarding the contents of the Evans report. You said:

In respect to you not holding a copy of the briefing that was provided to the Minister- you have indicated that Welsh Government do not hold a copy- to seek clarity does this mean that if no briefing exists then the Minister had not been informed of the content?

I have checked with officials, who in turn have checked the official records once again, and I can confirm that the Welsh Government does not hold a copy (or copies) of any briefing provided to the Minister regarding the contents of the Evans report. It would be

inappropriate for me to confirm or deny any inference that you may have drawn from this statement.

The provisions within the Freedom of Information Act 2000 provide a right of access to what is held as recorded information at the time a request is made. However, the Act is clear that public authorities are not required to create new information in response to a request for information under the Act.

I have reviewed our response to your FOI request in accordance with the procedure stated in my previous letter to you (dated 19 June 2023). In my view this was a reasonable response, and therefore I do not uphold your complaint.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745

Fax: 01625 524 510

[FOI and EIR complaints | ICO](#)

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

Telephone: 0845 6010987 (local rate)

Email: ask@ombudsman-wales.org.uk

Yours sincerely

Nick Wood

Deputy Chief Executive NHS Wales