

Private & Confidential

Ms Lorraine Cordell
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VIA EMAIL ONLY

Barnet, Enfield and Haringey Mental Health Trust
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27th November 2018

Our Ref: ENF/18/Q2/SC/6273

Dear Mrs Cordell

Re: Your complaint regarding the sharing of your son's information

Thank you for passing on your concerns in your conversation and initial email with Angela Hague on 30th July 2018, and subsequently with Rachel Yona on 10th August 2018. You raised some key questions relating to information governance and the sharing of information regarding your son. Please accept our sincere apologies for the delay in our response to your queries, which was due to there being a separate ongoing investigation within the Trust regarding the matters you have raised.

Your concerns have been investigated and I am now in a position to respond to your complaint. Your concerns were investigated by Rachel Yona (Enfield Adult Mental Health Community Services Manager), and involved interviews with staff and a review of your son's clinical records.

You stated that a report written by Angela Hague regarding your son, dated 15th June 2018 and 19th June 2018, had been presented in court on 26th June 2018. You stated you had not had prior access to these reports, and explained that you had considered the court case and the assessments by Angela Hague were separate processes.

Please be assured that we have looked into this matter and I can confirm the report used in court was not a formal report, but rather a response by Angela to a request for information. The Trust had communicated to the Council Legal Services that we would not be providing a report for the Court and it was recommended they commission an independent report if this were required. However as part of the investigation, it has been highlighted that this communication was only shared verbally with the Council Legal Services, and the position of the Trust was not clarified in writing.

During our communications with the Council Legal Services it was asked whether your son had engaged in his recent assessment, and it was for this reason the information presented in court was given. Our investigation found that the information which was sent was not a limited, direct response to the question posed to the Trust; I sincerely regret therefore that information was overshared and as such this aspect of your complaint is upheld.

This is a matter we have taken very seriously; I would like to offer you our sincere apologies that your son's information was used for anything other than it's intended use whilst in the hands of the



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Trust, and assure you that we fully understand our role in ensuring the security and safekeeping of records relating to all of those in our care. We have completed a full internal incident investigation into this matter, and I would like to assure you that all due processes and actions have been taken in relation to this breach.

I understand that you also were concerned about the processing of your son's information by the Court and the Local Authority. We are aware your son did not give consent for his records to be used in Court, and I can confirm the Trust also did not give consent for the sharing of information by the Local Authority with the Court. Our investigation found that the London Borough of Enfield requested to know if your son had engaged in treatment. As part of the legal proceedings the Court had asked for an assessment of your son's capacity to litigate and capacity to understand the meaning of the interim injunction from January 2018. Whilst we cannot speak on behalf of the Courts, we believe that this was why they passed on the information.

I am very sorry to learn that you feel the trust between yourself, your son, and the Mental Health Services has been broken. I understand that your son is now being seen by the Enfield North Locality Team, and I sincerely hope that they will be able to help rebuild the trust and develop a good working relationship with yourself and your son.

I understand that when you discussed your concerns with Rachel Yona (Enfield Community Services Manager) you raised your view that you feel there were inaccuracies within your son's report. Please be advised that whilst we are unable to retrospectively amend records, we are able to add additional entries to reflect your views and comments, and we would be very happy to add any information as you see fit.

Please be assured that the recommendations from this complaint will be shared with the London Borough of Enfield Legal Services and across our Enfield Adult Community Mental Health Teams, to ensure all agencies involved in this situation can learn from this regrettable incident.

We appreciate all feedback from service users' experience of our service as this helps us to assess, reflect on our actions and improve the care we provide. Staff members are committed to providing and delivering a high standard of care to all our service users. We try to ensure that through good support and training opportunities, staff are enabled to deal effectively and sensitively with the needs of all service users and their relatives. When members of our staff fall below the expected levels of performance, we ensure that issues are addressed and dealt with quickly. Our aim is to learn from these experiences and give assurances that any actions as a result of our investigation will be delivered.

If you remain unhappy after this further contact you have the right to take your complaint to the Parliamentary and Health Service Ombudsman. The contact details are as follows:

The Parliamentary and Health Service Ombudsman
Millbank Tower
Millbank
London SW1P 4QP

Helpline: 0345 015 4033

Thank you for bringing these matters to our attention.

Yours sincerely



Jinjer Kandola
Chief Executive



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