

## Freedom of Information request 253-20

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### Request

This is a freedom of information request about patient homicides.

I understand the Mental Welfare Commission for Scotland (MWCS) requires Scottish Health Boards to notify them specifically of:

*“All cases where an individual who is receiving care from mental health or learning disability services is accused of or convicted of, a serious crime, e.g. **homicide**, serious physical assault or sexual assault”*

(Source: MWCS - Notifying the Commission – Good practice guidance 2013, reissued 2019)

Please can you tell what arrangements your Health Board has in place.

- a) for notifying the Mental Welfare Commission for Scotland about a patient homicide,
- b) for ensuring all such cases are notified to the MWCS
- c) for ensuring any problems in the care of such patients are identified and effective measures put in place to prevent re-occurrence.

### Response

a&b) Notification guidance has been issued to all Mental Health and Learning Disability Consultants, Specialty Doctors, Team Managers, Ward Managers and services - most recently 21st February 2020.

The services (MH/LD) may be notified of or alerted to an accusation or conviction of a serious crime relating to a person receiving care from the service through a number of avenues.

- Self disclosure.
- Police seeking information.
- MAPP
- Third sector notification
- Third party notification
- Adult Protection Process
- Incident occurs within the service
- Information in the Public domain

Following being made aware the RMO will decide whether to notify the MWC in accordance with guideline and a record made in the patient notes.

Where an incident occurs within the service (e.g. Inpatient unit, health service estate, involving a member of staff)

- a datix is completed
- consideration of whether and what level of review is required by the service
- consideration of whether notification to MWC is required is part of the decision making process.
- Where notification is required the RMO or Clinical Governance lead will notify the MWC in accordance with guidelines and a record made in the patient notes.

- c) As NHS Borders are such a small Board we would regard these types of incidents as “never” events. During the last 20 years there has been <5 recorded incidents of patient homicide. Given how infrequent they are we would always undertake a Significant Adverse Event Review (SAER) and in these circumstances we would seek an external Chair and put an action plan into place to address their recommendations.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or [foi.enquiries@borders.scot.nhs.uk](mailto:foi.enquiries@borders.scot.nhs.uk).

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **253-20** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.