



Llywodraeth Cymru  
Welsh Government

ATISN 15262

20 July 2021

Dear

### **ATISN 15262 – Swansea Children’s Community Nursing**

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 22 June. You asked for -

- *All correspondence between Swansea Bay University Health Board (SBUHB) and the Welsh Government (including Health Minister and staff) which relates to the problems with the Children’s Community Nursing team at SBUHB.*

### **Our response**

The Welsh Government holds information of this description and it is enclosed at Annex 1 of this letter.

We have decided that some of the information captured by your request is exempt from disclosure under Section 40(2) – Personal Information of the Freedom of Information Act. As a result you will see that this information is redacted in the attached. The reasons for applying this exemption are set out in full in Annex 1.

### **Next steps**

If you are dissatisfied with the Welsh Government’s handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government’s Freedom of Information Officer at:

Information Rights Unit,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ

or Email: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

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

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,

## Annex 1

### Section 40(2) – Personal Information

Section 40(2) of the Freedom of Information Act (FOIA) sets out an exemption from the right to know if the information requested is personal information of someone other than the requester and is protected by the Data Protection Act 2018 (DPA).

Personal data is defined in Section 3(2) of the DPA as:

*“Personal data” means any information relating to an identified or identifiable living individual*

We have concluded that, in this instance, the information, names and contact details of Welsh Government staff and Cwm Taf University Health Board staff, amounts to the personal data of others than the person submitting the request.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the General Data Protection Regulations (GDPR). We consider the principle being most relevant in this instance as being the first.

#### The first GPDR principle.

This states:

*.....that personal data shall be:*

*a) processed lawfully, fairly and in a transparent manner in relation to individuals;*

We consider that the information highlighted falls within the description of personal data as defined by the DPA and that its disclosure would breach the first data protection principle.

Guidance from the Information Commissioner’s Office (Personal information (section 40 and regulation 13) v 1.4) states:

*If disclosure would not be fair, then the information is exempt from disclosure.*

This approach was endorsed by the Court of Appeal in the case of Deborah Clark v the Information Commissioner and East Hertfordshire District Council where it was held:

*“The first data protection principle entails a consideration of whether it would be fair to disclose the personal data in all the circumstances. The Commissioner determined that it would not be fair to disclose the requested information and thus the first data protection principle would be breached. (paragraph 63).*

In this instance, we believe the data subjects have no expectation that their personal information would be made public. The members of staff whose details are withheld are grades below that of the Senior Civil service and below a senior level within the health board and therefore with no public profile. Thus, we believe release of this information would be unfair and so breach the first data protection principle. For that reason, the information is being withheld under section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to the public interest tests.

Information to be released:

**1. Covering Email**

From: Christine Williams (Swansea Bay UHB - Nursing Division) <Redacted – s40 (2)@wales.nhs.uk>

Sent: 21 June 2021 13:03

To: Redacted – s40 (2) (HSS-DPH-Population Healthcare) <Redacted – s40 (2)@gov.wales>

Subject: RE: Robert Channon re Complaint about Swansea Bay UHB Children's Community Nursing Team

Redacted – s40 (2),

The external review is expected in July and the Health Board will take forward all recommendations.

For Mr Channon, then the issues relevant to him we are taking through mediation, which will be after the response provided to him on 5th July so that we can then agree what can be concluded and what Mr Channon remains unhappy with. Mr Channon has agreed to mediation and we are await to hear from him and his solicitors in terms of a date and agenda items for the mediation.

Regards

Christine

From: Redacted – s40 (2)@gov.wales <Redacted – s40 (2)@gov.wales>

Sent: 21 June 2021 10:29

To: Christine Williams (Swansea Bay UHB - Nursing Divison) <Redacted – s40 (2)@wales.nhs.uk>; Redacted – s40 (2) (Swansea Bay UHB - Patient Experience, Risk & Legal Service) <Redacted – s40 (2)@wales.nhs.uk>

Subject: RE: Robert Channon re Complaint about Swansea Bay UHB Children's Community Nursing Team

Many thanks for this response, Christine

Are you able to advise on the timescales for the independent review and what will happen next, please?

Best wishes

Redacted – s40 (2)

Pennaeth y Gangen Iechyd Plant a Menywod / Head of Women and Children's Health Branch

Gofal Iechyd Poblogaethau / Population Healthcare

Y Grŵp Adran Iechyd a Gwasanaethau Cymdeithasol / Health and Social Services Group

Llywodraeth Cymru / Welsh Government

E-Bost / E-Mail: Redacted – s40 (2)@gov.wales

Llinell Union / Direct Line: Redacted – s40 (2)

From: Christine Williams (Swansea Bay UHB - Nursing Divison) <Redacted – s40 (2)@wales.nhs.uk>

Sent: 17 June 2021 10:47

To: Redacted – s40 (2) (HSS-DPH-Population Healthcare) <Redacted – s40 (2)@gov.wales>; Redacted – s40 (2) (Swansea Bay UHB - Patient Experience, Risk & Legal Service) <Redacted – s40 (2)@wales.nhs.uk>

Subject: RE: Robert Channon re Complaint about Swansea Bay UHB Children's Community Nursing Team

Dear Redacted – s40 (2,

Thank you for your e-mail. The Health Board is aware of concerns from Mr Channon and we have commissioned an external review and Mr Channon was consulted on in Terms of reference prior to the review commencing and he has met with the reviewers.

In relation to the continuing healthcare package and delay, the Health Board is aware of this concern and we have advised Mr Channon that we will respond to him on or before 5th July in respect of this concern.

In relation to the risk assessment, this concern has been raised with the Health Board and we have responded. Mr Channon has returned again to the Health Board and we will respond to Mr Channon.

The Health Board had made Jean White, the previous Chief Nursing Officer aware of this case and previous press coverage and Gareth Howells, Interim Chief Nursing Officer is also aware.

If there is any further information you require to respond to Mr Channon then please do let me know.

Kind Regards

Christine Williams [Interim Director of Nursing and Patient Experience]

From: Redacted – s40 (2)@gov.wales <Redacted – s40 (2)@gov.wales>

Sent: 16 June 2021 14:43

To: Christine Williams (Swansea Bay UHB - Nursing Divison) <Redacted – s40 (2)@wales.nhs.uk>; Redacted – s40 (2) (Swansea Bay UHB - Patient Experience, Risk & Legal Service) <Redacted – s40 (2)@wales.nhs.uk>

Subject: Robert Channon re Complaint about Swansea Bay UHB Children's Community Nursing Team

Good afternoon, Both

I have been asked to reply to a letter to the Minister for Health and Social Services from Mr Robert Channon. Mr Channon is making allegations of bullying from the SBU children's community nursing team in relation to his son Gethin, who I understand experienced a brain injury at birth. Mr Channon alleges that the health board failed to provide any care for an eight month period under an approved continuing healthcare package. He also alludes to

the completion of a Risk Assessment which indicated he was a risk to his children. I understand SBU has established an independent review.

In order to enable me to draft a suitable response, I'd be very grateful if you could provide me with some detail in relation to this case as soon as possible, please.

Many thanks

Redacted – s40 (2)

Pennaeth y Gangen Iechyd Plant a Menywod / Head of Women and Children's Health Branch

Gofal Iechyd Poblogaethau / Population Healthcare

Y Grŵp Adran Iechyd a Gwasanaethau Cymdeithasol / Health and Social Services Group  
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