

Date of Report: 29/04/2022

FOI - 7398 - Patients removed from an MKUH elective care waiting list due to death

Questions	Response
<p>The number of people who died while waiting for elective care at your trust in 2021.</p>	<p>Under section 16, subsection 16(1), the FOI act sets out a duty for a public authority to provide advice and assistance to anyone who has made or is thinking of making a request for information. This means we have a duty to advise and assist not only applicants but prospective applicants. We have reviewed the question you have asked the Trust to answer under the FOI Act. Having reviewed the question, we believe that a response based directly on the question that is being asked would provide information which may be misconstrued, potentially leading to misinterpretation.</p> <p>This is on the basis that there is not necessarily a direct correlation between a patient waiting for a procedure on the elective waiting list and their cause of death. To illustrate this point, a patient could have died whilst waiting for a knee replacement but the likelihood of the patient death being the result of waiting for a knee replacement would be difficult to evidence - in all likelihood there would be little or no correlation. Furthermore, the period for which data has been requested was during the COVID-19 pandemic. During the period in question a considerable proportion of deaths were recorded treating patients with complex healthcare needs and comorbidities, which had been exacerbated further due to COVID-19. It is in this context that we believe the question that has been asked cannot be answered easily or accurately and any response increases the potential of the response being misconstrued.</p> <p>As highlighted above we are required by the FOI act to advise and assist applicants with their FOI request. In our view, a more appropriate question would be to ask for the number of patients who died whilst waiting for an elective procedure on our waiting list, where the death can reasonably be attributed to a longer than expected waiting time for the procedure due to the pandemic. To answer this question with any degree of certainty we would need know the reason for each patient death. For those patients who died outside the hospital, the hospital would only be informed that a patient has died but not the reason for their death. To provide a detailed and accurate response to the question, the hospital would need to undertake a full clinical audit of all patients who died whilst on an elective waiting list during the year requested to determine the reason for death. As part of this audit, we would need to consult with the patient's GP to establish the cause of death, where the death was outside the hospital. Unfortunately, given the plethora of patient clinical notes that would need to be reviewed and the need to consult with external healthcare partners to provide a comprehensive response to this adapted question, the amount of time and cost associated with such an exercise would result in the Trust breaching the cost/time ceiling set out in the FOI Act. Therefore, based on this conclusion, the Trust would not be able to comply with this request.</p>