

Code A - Complaints and Litigation Manager

From: Code A - PA (Nursing & Clinical Governance)
Sent: 26 August 2005 17:15
To: Code A - Complaints and Litigation Manager
Subject: RE: ltr 260805 JW

Hi Code A

Your letter was signed by JW and posted today (Friday).

Code A

-----Original Message-----

From: Code A - Complaints and Litigation Manager
Sent: 26 August 2005 15:09
To: Code A - PA (Nursing & Clinical Governance)
Subject: ltr 260805 JW
Importance: High



Unit 180, Fareham Reach
 166 Fareham Road
 Gosport
 PO13 0FH

26 August 2005

Tel 01329 233447
 Fax 01329 234984

PRIVATE AND CONFIDENTIAL

Code A

Re: The Late Mrs Dulcie Middleton

Thank you for your letter of 10th August 2005.

May I firstly assure you that it is not my intention to be unhelpful; I simply stated what can and cannot be provided to you.

You have requested a copy of the documents that prove that the Primary Care Trust is under a contractual duty not to disclose personal information about staff involved in the provision of care in relation to Mrs Middleton, or any other staff for that matter. This contractual duty is conferred under the General Principles of Data Protection and Confidentiality and the Primary Care Trust has a statutory responsibility to comply with these Principals.

The duty is outlined in the Standard Contract of Employment and I am happy to attach the

30/08/2005

relevant section of a blank contract for your information. The duty is further described in the Primary Care Trust's Offer of Employment letter to every employee that outlines how personal information will be used and I draw your attention to page 2 where the disclosure of information is qualified. Further information about the Data Protection Act 1998 is available on the Internet at the following address:
www.informationcommissioner.gov.uk .

I do not agree that the Primary Care Trust is inviting anyone to embark upon litigation, however we always seek to be helpful by providing information about choices of action. Your letter of 28 July 2005 in fact advised that should a decision be taken to commence proceedings the Trust will be invited to enter into a pre-action protocol and I was responding to that point.

As I stated in my letter of 5th August 2005, [Code A] was sent a full response following investigation of her complaint on 3 October 2002. An offer at that time to meet to discuss the response further was not taken up. I am sorry that for the reasons given above I remain unable to provide you with personal information about staff.

Yours sincerely

John Wilderspin
Chief Executive
Encs

30/08/2005

Fiona Cameron - Director of Nursing & Clinical Governance

From: Code A - Complaints and Litigation Manager
Sent: 26 August 2005 12:23
To: Fiona Cameron - Director of Nursing & Clinical Governance
Subject: draft ltr 260805

x *read for PP.*

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26/08/2005

provide you with personal information about staff, ~~but if there is any other action you wish me to take, please let me know.~~

Yours sincerely

John Wilderspin
Chief Executive
Encs



East Hampshire, Fareham and Gosport Primary Care Trusts

Unit 180, Fareham Reach
166 Fareham Road
Gosport
PO13 0FH

26 August 2005

DRAFT

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Yours sincerely

John Wilderspin
Chief Executive
Encs

Dear

It gives me great pleasure to inform you that your application for the post of _____ with _____ Primary Care Trust has been successful. This letter constitutes your formal offer of employment.

Your terms and conditions of service are in accordance with the Comprehensive Employment Package. Full details concerning this package are enclosed. You will be paid on Scale _____ Grade _____. The salary scale for this post is _____ to _____ and your salary will commence at _____, (pay award pending).

You will be initially based at _____ and your employment with this Trust will commence on _____. Your hours of work will be _____ per week worked over _____ days. Your actual hours of work will be worked according to the needs of the service. The annual leave year runs from the 1st April to the 31st March. Until 31 March 2006 you will be entitled to _____ days leave. In a full leave year you will be entitled to _____ days leave. Your leave is calculated _____ of Bank Holidays.

You may wish to join the NHS Pension Scheme, which is available to all staff. Information concerning this scheme is enclosed. Unless you complete the opt out form enclosed you will automatically become a member of the scheme.

A place has been reserved for you on the Trust induction course. This is a two day course commencing on Thursday _____, further details will be sent to you nearer the time.

To ensure your first day on duty, _____, runs smoothly you should report to _____ at the _____ at _____. You need to take with you your birth certificate or passport, your professional registration details (if appropriate) and two passport sized photographs for your ID Card.

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This notice is given so that the Trust can comply with its obligations under the Data Protection Act 1998. As your employer, the Trust needs to keep information about you for purposes connected with your employment, including your recruitment and the termination of your employment. The sort of information we will hold includes information for payroll purposes, references, contact names and addresses and records (including, for example, disciplinary records) relating to your career with the Trust.

We believe these uses are consistent with our employment relationship and with the principles of the Data Protection Act 1998. The information we hold will be for our management and administrative use only but we may, from time to time, need to disclose some information we hold about you to relevant third parties (e.g. where we are legally obliged to do so by the Inland Revenue or where requested to do so by you for the purposes of giving a reference). We may also transfer information about you to the NHS Executive solely for purposes connected with the management of the NHS.

To enable a contract of employment to be drawn up for you and for you to be paid you need to do the following:

- * return the attached slip to confirm acceptance of this offer of employment. Unless this is returned within 2 weeks this offer of employment will be withdrawn.
- * complete the enclosed Personal Details Form. If you wish to have your salary credited to a building society rather than a bank account you will need to obtain an official mandate from your building society showing sort code, account number and building society reference number.
- * send a copy of your National Insurance Number and your P45 Income Tax Form (if available)

A prepaid envelope is enclosed for your reply. When we have received this information we will prepare a contract of employment for you. This will be sent to your manager for you to check and sign on induction.

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If you have any queries concerning the content of this letter they should be addressed to on

May I take this opportunity to welcome you to the Trust and wish you every success in your new post.

Yours sincerely

cc

- Encs
Comprehensive Employment Package Terms and Conditions of Service
Pension Information
Personal Details Form
Prepaid Envelope
Acceptance Slip
ID Badge Request

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ACCEPTANCE SLIP FOR THE POST OF

I accept the post of _____ with _____ Primary Care Trust with effect from _____ and accept the terms and conditions of employment as stated in the offer of appointment letter.

Name (in full) _____

Signed _____

Date _____

I have enclosed:

Completed Personal Details Form

Building Society Mandate Form (if necessary)

Opt out of Pension Scheme Form (if necessary)

Copy of National Insurance Number

P45 Income Tax Form (if available)

Ref: (for office use only)

To:

From: Personnel Administration,

Please find enclosed a copy of an offer of employment letter. We are asking employees on their first day of employment to bring you their birth certificate or passport, professional registration details and two passport sized photographs for their ID Card. We would be grateful if you could complete the following and return it to us along with the photographs and the ID Card Request Form as soon as possible after their start date:

Name of Employee (Please print clearly): _____

Post: _____

Trust:

Date of Birth Verification

The only documents we accept are passport and birth certificate.

I have seen the above employee's:

- Original passport
- Original birth certificate

I confirm their date of birth is (enter Date of Birth) _____

Professional Registration Verification

I enclose a copy of the above employee's Professional Registration Details and am satisfied with their authenticity.

ID Card

I enclose two copies of the photograph and the ID Card Request Form.

Signed by Manager Date

Manager's Name (Please print clearly) _____

STAFF HANDBOOK

The Staff Handbook which has been issued to you contains guidance on conditions related to your employment. The following parts of the Staff Handbook are particularly important and you should make yourself familiar with them:

- (a) Sickness Absence reporting
- (b) Health, safety and welfare
- (c) Confidentiality and the Data Protection Act.
- (d) Personal property
- (e) Grievance procedures
- (f) Disciplinary rules

USE OF INFORMATION TECHNOLOGY

I agree to the Trust monitoring my e-mail messages, any files I store on the networks or on Trust equipment and my usage of the Internet, NHSnet and Trust computer systems, irrespective of whether these relate to Trust or personal use, in accordance with Trust policies. This is in order to protect the Trust's patients and staff, and its reputation and to ensure it complies with the law and Caldicott and other guidelines.

DATA PROTECTION ACT 1998

You hereby explicitly consent to Fareham and Gosport Primary Care Trust collecting, holding and otherwise processing personal data (including "sensitive personal data") relating to you. Fareham and Gosport Primary Care Trust will only process such data when and insofar as it is necessary to do so in order to further its legitimate interests. Fareham and Gosport Primary Care Trust will not divulge information to any third party outside the NHS without your consent under the terms of the Data Protection Act 1998. However if you are involved in a criminal investigation we may have a public duty to disclose this information to the Police and in this instance we may not seek your consent.

ADDITIONAL DETAILS

Any special conditions of employment which apply to your post are detailed in your Personal Contract Details.

STATEMENT TO BE SIGNED BY EMPLOYER

Issuing Officer: (on behalf of the Trust) Designation: Date:
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STATEMENT TO BE SIGNED BY EMPLOYEE

I hereby accept the appointment in accordance with the terms and conditions and any accompanying documents specifically referred to above.

Employees signature Date
