

Lydia Buckley

From: [REDACTED]
Sent: Monday 28 January 2019 16:35
To: FOI
Subject: Echo FOI request

Dear Sir/Madam, Under the FOI Act 2014, I am seeking the following:

The number and nature of complaints made to HIQA relating to the care of elderly residents staying in nursing homes in Cork, from July 2018, to January 2019.

I would prefer to receive this information electronically, preferably in its original formatting.

Yours,

[REDACTED]

Evening Echo Reporter
0858463216
Assumption Road,
Linn Dubh,

[REDACTED]

Evening Echo Reporter

[REDACTED]

Private & Confidential

[REDACTED]

13 February 2019

Our Ref. FOIR 004 019

Re: – Acknowledgement of FOI request

Dear [REDACTED]

I refer to the following request which you have made under the Freedom of Information Act 2014 for records held by the Health Information and Quality Authority:

The number and nature of complaints made to HIQA relating to the care of elderly residents staying in nursing homes in Cork, from July 2018, to January 2019.

Your request was received by this, the Health Information and Quality Authority, on 28 January 2019. I will be the Freedom of Information Administrator handling your request, if you have any queries in relation to your request you can contact me by telephone on 01 814 7486 or by email at foi@hiqa.ie.

A final decision on your request would normally be sent to you within 4 weeks. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays, Sundays and public holidays. This means that you can expect a decision letter to be issued from the Health Information and Quality Authority not later than 25 February 2019.

There are some limited situations under the FOI Act which could mean that the period for a final decision may be longer than the normal four weeks. If this occurs in the case of your request, I will promptly advise you in writing. Should our final decision not reach you on time, please feel free to call me to discuss any problems that may have arisen.

If you have not heard from us once the allotted time has expired, you are automatically entitled to appeal to the Health Information and Quality Authority for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired.

Head Office:
Unit 1301, City Gate, Mahon,
Cork, Ireland.
Tel: +353 (0) 21 240 9300
Fax: +353 (0) 21 240 9600

Dublin Regional Office:
George's Court, George's Lane,
Dublin 7, Ireland
Tel: +353 (0) 1 814 7400
Fax: +353 (0) 1 814 7499

The review is a full and new examination of the matter carried out by another member of staff of the Health Information and Quality Authority.

In the event that you need to make such an appeal, you can do so by writing to FOI Unit, Health Information and Quality Authority, Dublin Regional Office, Georges Court, George's Lane, Smithfield, Dublin 7, D07 E98Y or alternatively by sending an e-mail to foi@hiqa.ie.

You should state that you are appealing because an initial decision was not sent to you within the time permitted. In that event, you would normally have 4 weeks (after the initial decision should have been sent to you) in which to make the appeal. The Health Information and Quality Authority will, however, allow the appeal to be made late in appropriate circumstances. Please note that a fee of €30 applies for an appeal. Payment should be made by way of electronic transfer. Please contact the FOI Office for further details.

Publication

This Authority will publish a log of all non-personal Freedom of Information requests received in 2019 on its website.

Yours sincerely,



Sean Lynch
Freedom of Information Administrator

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Unit 1301, City Gate, Mahon,
Cork, Ireland.

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Strictly Private & Confidential

[REDACTED]

25 February 2019

Our Ref: FOIR 004 019

Dear [REDACTED]

Re: – Letter to part grant Freedom of Information request

I refer to the following request which you have made under the Freedom of Information Act 2014 for records held by the Health Information and Quality Authority:

The number and nature of complaints made to HIQA relating to the care of elderly residents staying in nursing homes in Cork, from July 2018, to January 2019.

Your request was received by this, the Health Information and Quality Authority on 28 January 2019 by email. The Authority has made a final decision today 25 February 2019 to part grant your request. If you have any queries regarding this correspondence you can contact me by telephone at 01 814 7486.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. access arrangements
3. findings, particulars and reasons for decisions to deny access in parts
4. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these parts in turn.

1. Schedule of records

A schedule is attached. It shows the documents that the Authority considers relevant to your request. It also gives you a summary and overview of the decision as a whole. The schedule describes each document, and indicates whether the document

is released in full, released with deletions or not released. The schedule refers to the sections of the FOI Act which apply to prevent release.

2. Access arrangements

You have requested access to the records by email and I consider it an appropriate form of access in this case. The records described as released will now be made available to you in a redacted format attached to this email letter.

3. Findings, particulars and reasons for decisions to deny access in part

Reasons for decisions to deny access in part:

Section 35 – Information obtained in confidence

(1) Subject to this section, a head shall refuse to grant an FOI request if—

(a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body,

The decision maker contends that the records concerned contain information given to the Authority in confidence and on the understanding that it would be treated as such, its disclosure would be likely to prejudice the giving to the Authority of further similar information from the same person or other persons. It is of importance to the Authority that such further similar information as aforesaid should continue to be given.

There are no discernible or particular public interest grounds leaning in favour of a release in this specific case. The decision maker has decided to release a redacted version of the records in this request so that all possible identifiable information is removed.

Section 37 - Personal Information

In relation to all records identified in the schedule, each contains matters where access to the records would involve disclosure of personal / identifiable information within the meaning of Section 37 of the FOI Act. Where appropriate the Authority has sought to the largest extent possible to redact personal or identifiable information so as to part grant records identified.

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Section 37(1) provides as follows:

Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).

Section 37(5) provides that a head may grant the request if the:

"public interest that the request should be granted outweighing the public interest that the right to privacy of the individual to whom the information relates should be upheld."

Grounds for Decision to Part Grant Request

The records contain the name(s) of individual(s) and or other personal identifiable data and for this reason the Authority is of the view that the exemption applies and the records will be redacted in order not to disclose the personal identifiable information of third parties.

Public Interest Consideration

The Authority accepts that Section 37(1) is subject to Section 37(5) which provides that access to a record may be granted in specified circumstances where the public interest would, on balance, be better served by granting than by refusing to grant the request.

4. Rights of appeal

You may appeal this decision. Please note that a fee applies for an appeal, with the exception of an appeal against the imposition of a €30 fee. In the event that you need to make such an appeal you can do so by writing to the Freedom of Information Unit, Health Information and Quality Authority, George's Court, George's Lane, Dublin 7 or by email to foi@hiqa.ie. Payment should be made by way of electronic transfer. Please contact the FOI Office for further details.

You should make an appeal within 4 weeks (20 working days), from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete consideration of the matter by a more senior member of the staff of the Authority.

Head Office:
Unit 1301, City Gate, Mahon,
Cork, Ireland.

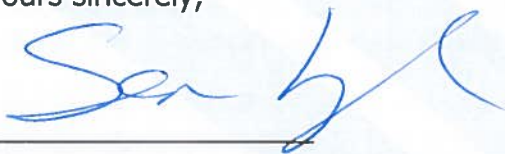
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Please note this Authority will publish a log of all Freedom of Information Requests received in 2018 on its website.

Yours sincerely,



Sean Lynch
Freedom of Information Administrator

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Cork, Ireland.

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**HIQA - Freedom of Information
Schedule of Records: Summary of Decision Making**



FOI Request Reference

FOIR 004 019

FOI Received

28 January 2019

Decision Maker

Shane Grogan

Decision due no later than

25 February 2019

Rec. No	Brief description and date of record	File Ref	No. of pages	Third Party Involvement Y/N	Decision: Grant/Part Grant/Refuse	Basis of Refusal: Section of Act	Reason for Decision	Public Interest Considerations (for and against release)	Record Edited/Identify/Deletions
31	Record of unsolicited information received	URI-0016814	1	N	Refuse	Section 35(1) Information obtained in confidence	The information was supplied on the understanding that it would be treated as confidential and releasing it may prejudice the giving of similar information in the future		n/a
32	Record of unsolicited information received	URI-0016811	1	N	Part Grant	Section 37(1) Personal Information	The decision to release without redaction may lead to the identification of a private individual		Partial redaction
33	Record of unsolicited information received	URI-0016779	1	N	Grant				
34	Record of unsolicited information received	URI-0016888	1	N	Grant				
35	Record of unsolicited information received	URI-0016876	1	N	Refuse	Section 35(1) Information obtained in confidence	The information was supplied on the understanding that it would be treated as confidential and releasing it may prejudice the giving of similar information in the future		n/a
36	Record of unsolicited information received	URI-0016874	1	N	Refuse	Section 35(1) Information obtained in confidence	The information was supplied on the understanding that it would be treated as confidential and releasing it may prejudice the giving of similar information in the future		n/a
37	Record of unsolicited information received	URI-0016868	1	N	Part Grant	Section 37(1) Personal Information	The decision to release without redaction may lead to the identification of a private individual		Redaction of personal identifiable information
38	Record of unsolicited information received	URI-0016822	1	N	Grant				
39	Record of unsolicited information received	URI-0016897	1	N	Grant				
40	Record of unsolicited information received								

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21	Record of unsolicited information received	URI:0018989	1	N	Refuse	Section 35(1) Information obtained in confidence	The information was supplied on the understanding that it would be treated as confidential and releasing it may prejudice the giving of similar information in the future		NA
22	Record of unsolicited information received	URI:0018930	1	N	Grant				
23	Record of unsolicited information received	URI:0018902	1	N	Grant				
24	Record of unsolicited information received	URI:0018900	1	N	Grant				
25	Record of unsolicited information received	URI:0018989	1	N	Grant				
26	Record of unsolicited information received	URI:0018988	1	N	Part Grant	Section 37(1) Personal Information	The decision to release without redaction may lead to the identification of a private individual		Partial redaction
27	Record of unsolicited information received	URI:0018985	1	N	Part Grant	Section 37(1) Personal Information	The decision to release without redaction may lead to the identification of a private individual		Partial redaction
28	Record of unsolicited information received	URI:0018980	1	N	Refuse	Section 35(1) Information obtained in confidence	The information was supplied on the understanding that it would be treated as confidential and releasing it may prejudice the giving of similar information in the future		NA
29	Record of unsolicited information received	URI:0018934	1	N	Grant				
30	Record of unsolicited information received	URI:0018925	1	N	Grant				

**HIQA - Freedom of Information
Schedule of Records: Summary of Decision Making**



28 January 2019

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11	Record of unsolicited information received	URI-0017171	1	N	Grant				
12	Record of unsolicited information received	URI-0017165	1	N	Grant				
13	Record of unsolicited information received	URI-0017139	1	N	Refuse	Section 35(1) Information obtained in confidence	The information was supplied on the understanding that it would be treated as confidential and releasing it may prejudice the giving of similar information in the future		n/a
14	Record of unsolicited information received	URI-0017132	1	N	Part Grant	Section 37(1) Personal Information	The decision to release without redaction may lead to the identification of a private individual		Partial redaction
15	Record of unsolicited information received	URI-0017119	1	N	Grant				
16	Record of unsolicited information received	URI-0017111	1	N	Refuse	Section 35(1) Information obtained in confidence	The information was supplied on the understanding that it would be treated as confidential and releasing it may prejudice the giving of similar information in the future		n/a
17	Record of unsolicited information received	URI-0017069	1	N	Grant				
18	Record of unsolicited information received	URI-0017059	1	N	Grant				
19	Record of unsolicited information received	URI-0017054	1	N	Part Grant	Section 37(1) Personal Information	The decision to release without redaction may lead to the identification of a private individual		Partial redaction
20	Record of unsolicited information received	URI-0016998	1	N	Refuse	Section 35(1) Information obtained in confidence	The information was supplied on the understanding that it would be treated as confidential and releasing it may prejudice the giving of similar information in the future		n/a

**HIQA - Freedom of Information
 Schedule of Records: Summary of Decision Making**

FOI Request Reference

FOIR 004 019

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1	Record of unsolicited information received	URI-0017438	1	N	Grant				
2	Record of unsolicited information received	URI-0017424	1	N	Refuse	Section 35(1) Information obtained in confidence	The information was supplied on the understanding that it would be treated as confidential and releasing it may prejudice the giving of similar information in the future		na
3	Record of unsolicited information received	URI-0017377	1	N	Grant				
4	Record of unsolicited information received	URI-0017373	1	N	Part Grant	Section 37(1) Personal Information	The decision to release without redaction may lead to the identification of a private individual		Redaction of personal identifiable information
5	Record of unsolicited information received	URI-0017285	1	N	Grant				
6	Record of unsolicited information received	URI-0017248	1	N	Grant				
7	Record of unsolicited information received	URI-0017236	1	N	Grant				
8	Record of unsolicited information received	URI-0017225	1	N	Grant				
9	Record of unsolicited information received	URI-0017216	1	N	Grant				
10	Record of unsolicited information received	URI-0017207	1	N	Grant				

①

Reference	Concern Detail
URI-0017438	Poor care. Resident's needs and wants are ignored at the discretion of the staff. Families of residents treated badly by both nurses and care assistants. Patients medicated to make them more compliant

3

Reference	Concern Detail
URI-0017377	Staffing issues impacting on the care, safety and wellbeing of the residents.

Reference	Concern Detail
URI-0017373	Relative stayed in NH for [REDACTED] respite. Relative who was quite independent prior to staying in NH has deteriorated during their stay due to lack of care and neglect. Relative now in [REDACTED] owing to their now, poor health. NH kept inaccurate records regarding fluid intake and vomiting.

5

Reference	Concern Detail
URI-0017285	Infection control and general hygiene is lacking. There are animals allowed in centre and no consideration for animal hairs or dirt left after them. There is lack of heating. Medication cupboard is left open. There is lack of general management and care for residents.

6

Reference	Concern Detail
URI-0017248	Staffing Issues.

7

Reference	Concern Detail
URI-0017236	Lack of care and compassion for Residents.

8

Reference	Concern Detail
URI-0017225	There was a special agreement that the Matron would be responsible for the day to day operations in the nursing home and the Owner would not have any part to play in the daily routine of the nursing home. There is a historical record of abuse to residents by the owner. The caller was adamant that HIQA are aware of the agreement.

9

Reference	Concern Detail
URI-0017216	Resident had to wait for over 20/30 minutes for assistance after using the toilet. There was a malodour in the resident's bathroom; this issue was rectified after CP engaged with the PIC. There is lack of staff to provide the necessary care for all residents.

10

Reference	Concern Detail
URI-0017207	Instruction in file that the resident's relative was not to be informed of any deterioration or ultimately the resident's death.

Reference	Concern Detail
URI-0017171	Descriptions of verbal and physical abuse. Lack of awareness of resident with challenging behaviour.

12

Reference	Concern Detail
URI-0017165	There are issues relating to the general care of the resident and communication between CP and staff. Lack of respect and dignity towards residents.

Reference	Concern Detail
URI-0017132	Resident suffered from dementia and was approaching EOL stage. Initially, a staff member contacted [REDACTED] to advise the resident was going to [REDACTED]. A staff member subsequently contacted the [REDACTED] to advise the resident had died. Resident died suddenly during the night. [REDACTED] believes the resident, who had vomited during the night, had aspirated. CP also believes the staff may not have the relevant experience to realise the resident's condition.

(15)

Reference	Concern Detail
URI-0017119	CP has concern relating to the care of their now deceased relative. Relative was refusing food and fluids and staff failed to communicate this to the Family Relative admitted to CUH and diagnosed as extremely dehydrated.

Reference	Concern Detail
URI-0017069	CP was asked to sign a guarantor form regarding extra fees. When CP asked about the fees, CP was advised they were in respect of HIQA charges.

Reference	Concern Detail
URI-0017059	Issues relate to: General cleanliness Personal hygiene Respect and dignity of residents Staff qualifications Complaints process.

Reference	Concern Detail
URI-0017054	Resident suffered a fall sustaining a broken leg in [REDACTED] was advised there would be an investigation however; [REDACTED] has not been updated following this. The PIC advised [REDACTED] the side panels on the bed would be removed as they were not in compliance with standards but [REDACTED] felt this would leave the resident at risk from falling.

Reference	Concern Detail
URI-0016989	Lack of care and allegation of assault by another resident.

Reference	Concern Detail
URI-0016902	Maintenance and general cleanliness could be improved. Areas that should have been restricted were often wedged open. A sum of money had been donated by a resident to staff in the centre. However, staff had not heard of or received anything. While this is a grey area, the money was allegedly accepted by the centre. While staff were very friendly and helpful, morale was very low

Reference	Concern Detail
URI-0016900	Standard of care needs improving. Management - no supervision or guidance for care staff delivering care. Residents have to queue to use toilet Breakfast is served early and residents have no choice when to have breakfast. There is need for general cleaning and decorating of nursing home.

Reference	Concern Detail
URI-0016889	Resident has a sight problem and has to use eye drops twice daily as prescribed by the consultant and GP. The pharmacy engaged by the provider failed to provide the eye drops and the resident had to wait over 7 days for the medication. Although CP wishes to engage the resident's former pharmacy this request has been refused. Previously, another prescribed medication was left in a medicine cabinet and overlooked for three weeks.

Reference	Concern Detail
URI-0016868	Resident is in the centre [REDACTED] CP has been informed the resident has become physically aggressive and delusional with dementia. There were [REDACTED] incidents of physical aggression and subsequently the resident's medication was adjusted. However, the resident advised CP differently and told CP the staff were speaking to him inappropriately.

Reference	Concern Detail
URI-0016855	<p>Resident has challenging behaviour assaulted a number of staff and was intimidating towards another resident. There were meetings to discuss the on-going care and management of the resident including changing the medication. However, there has been no improvement in the challenging behaviour. The resident's family attended meetings to further discuss the various issues. [REDACTED]</p> <p>[REDACTED] The family are seeking an alternative centre and although [REDACTED] have advised there are beds available in other centres, the family believe they are not suitable. In the meantime, the resident is compelled to remain in the bedroom unless a family member is available to accompany the resident to the communal sitting room and/or the dining room. The resident [REDACTED] but is not allowed to attend any activities without a family member being present.</p>

29

Reference	Concern Detail
URI-0016834	There is lack of medication management. The resident has received the wrong medication on two occasions.

30

Reference	Concern Detail
URI-0016825	Lack of general care and no assistance with personal hygiene. Resident left in wet clothing.

Reference	Concern Detail
URI-0016814	Issues relate to general lack of care for residents, family not informed of resident suffering a fall sustaining injuries, Care assistants are physically and emotionally abusive towards residents. Food served that was not suitable for resident. Residents left centre unsupervised and a safety risk. Cleaner cleaning toilets and also had the role of a care assistant.

Reference	Concern Detail
URI-0016803	[redacted] to another Nursing home as unhappy with the care [redacted] is receiving [redacted] from new nursing home refused records of relative [redacted] witnessed a resident who was asking to use the bathroom pushed down into recliner chair by carer [redacted] fell and received stitches but relatives were not informed of this. Lack of care and attention in relation to mealtimes and [redacted] being fed. Resident was put out into the sun so [redacted] trousers, which she had spilled tea on, could dry.

34

Reference	Concern Detail
URI-0016779	Poor medical care given to relative in the end stages of COPD. No Oxygen available in the nursing home.

Reference	Concern Detail
URI-0016689	Staffing issues impacting on the care of residents.

36

Reference	Concern Detail
URI-0016676	There is an infestation of rats in a particular ward and a room adjacent to that ward. There was a rat on a resident's bedside trolley.

Reference	Concern Detail
URI-0016622	CP visited the NH unannounced to check suitability for [REDACTED]. Centre outdated. No activities for residents. Images on NH website inaccurate and misleading.

Reference	Concern Detail
URI-0016597	Shortage in Nursing Staff leading to lack of care. Residents being left in their rooms without offer of drinks.