

From: [redacted]
Sent: 28 January 2021 10:14
To: [redacted]
Cc: [redacted]
Subject: RE: FOI - Care Homes - publication of mortality data

[redacted]

Following advice NRS is now intending to release COVID mortality data for individual Care Homes.

We will decide next week how we are going to do this, and will keep you advised of our timescales.

Cheers

[redacted]

From: [redacted]
Sent: 22 January 2021 22:32
To: [redacted]
Subject: RE: FOI - Care Homes - publication of mortality data

I think we will know in the next week.

My feeling is that the ICO will see public interest out weighing commercial interest.

Happy to discuss next week.

[redacted]

From: [redacted]
Sent: 22 Jan 2021 19:52
To: [redacted]
Subject: RE: FOI - Care Homes - publication of mortality data

[redacted]

One further thought. You'll know that the Care Inspectorate were also asked to provide info on their notifications. They cited a number of exemptions. The 2nd is perhaps more relevant to the CI and their relationship with the provider but the first is relevant

Section 33(1)(b) – Commercial interests and the economy

Release of this information at care provider level outlining infections and deaths may substantially prejudice services commercially in that it would be perceived as a negative reflection of their care service provision and care standards. The rate of Covid-19 infections and number of deaths may not necessarily be related to a service's quality of care, hygiene standards, use of PPE etc. so to release information, even at provider level, could have significant impact on the ability of the provider and consequently their services to function commercially in already challenging economic circumstances caused by the

pandemic. Releasing information at this level would also likely impact on their ability to engage new staff and/or attract new residents which would have a direct impact on their being able to operate commercially and maintain sufficient standards of care for their existing residents ultimately undermining the Care Service Sector.

Section 36(2) Confidentiality

The role of the Care Inspectorate as the regulator for care in Scotland requires it to assist and support all Scottish care services in upholding the Scottish Health and Social Care Standards. It is vital that care services feel free in terms of their relationship with the Care Inspectorate to turn to us when they need our support and guidance, and also in the instances where they themselves have any concerns. This section incorporates the Scots law of confidence into FOISA. Therefore, information collected or provided to the Care Inspectorate by a care service can be considered as confidential in that the care service is providing that information in the understanding that it is provided in the context of our role as regulator, and within the confines of our professional relationship with the care service.

[redacted]

From: [redacted]
Sent: 22 January 2021 19:31
To: [redacted]
Subject: RE: FOI - Care Homes - publication of mortality data

[redacted]

Thanks for the heads up on this. I'll make colleagues aware of this. Do you have a feel for when you will hear the outcome of this decision?

[redacted]

Best wishes

[redacted]

From: [redacted]
Sent: 21 January 2021 16:19
To: [redacted] >
Subject: FOI - Care Homes - publication of mortality data

[redacted]

Early in December last year, **[redacted]** emailed you to flag up that NRS's position on not releasing COVID deaths by individual Care Home was being appealed. We are still waiting on the ICO to rule, but informally we are expecting them to tell us that the sections of FOISA we are using to refuse this request are not valid. [Redacted]

Once we have a firm decision we will let you know. It will perhaps be a story either way (NRS / Government stop important evidence from being released or This is worse Care Home in....).

Would it also be appropriate to bring Care Inspectorate or other stakeholders into the picture once it is clearer. Perhaps some of the Care Home organisations should be given a heads-up.

Very happy to discuss.

Cheers

[redacted]



From: [redacted]
Sent: 02 February 2021 12:16
To: [redacted]
Subject: RE: Deaths by Individual Care Home

Hi [redacted],

I've alerted the Care Inspectorate to this. Their Information Governance Lead has asked if it would be possible to get more detail on this to understand what it means about their position in FOISA. Is there anyone in NRS I can direct them to?

Many thanks,

[redacted]

From: [redacted]
Sent: 02 February 2021 11:26
To: [redacted]
Cc: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>; Head of HSCA <[Redacted]@gov.scot>; Hall K (Kate) <[Redacted]@gov.scot>; Taylor A (Alison) (Health and Social Care) <[Redacted]@gov.scot>; Communications Healthier <[Redacted]@gov.scot>;
Subject: RE: Deaths by Individual Care Home

Thanks for sight of this – copying in comms colleagues. We will need to develop reactive lines.

[redacted] will take this forward for comms – it would be useful to see the table, there will be media interest in these figures.

Regards,

[redacted]

From: [redacted]
Sent: 02 February 2021 10:18
To: [redacted]
Cc: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>; Head of HSCA <[Redacted]@gov.scot>; Hall K (Kate) <[Redacted]@gov.scot>; Taylor A (Alison) (Health and Social Care) <[Redacted]@gov.scot>;
Subject: RE: Deaths by Individual Care Home

Hi [redacted]

Thanks for letting us know. Would it be possible to share a copy of the table with people on this copy list?

[redacted] will alert Ministers and comms that this is coming, and briefing can be prepared when we see the data.

[redacted]

From: [redacted]
Sent: 02 February 2021 09:56
To: [redacted]
Cc: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>; Head of HSCA <[Redacted]@gov.scot>; Hall K (Kate) <[Redacted]@gov.scot>; Taylor A (Alison) (Health and Social Care) <[Redacted]@gov.scot>;
Subject: RE: Deaths by Individual Care Home

Hi [redacted]

We're not planning to make a big deal of it. It won't get mentioned in our news release. The index table at the back of the publication will refer to it but the table itself will appear on the related statistics page (where all of our COVID ad-hoc tables sit) rather than in the publication itself.

I will mention its planned release in the weekly pre-release submission to FM this afternoon.

We will have to contact the journalist who initially asked for the data to let him know it's been published, but apart from that we're not planning anything proactive.

[redacted]

From: [redacted]
Sent: 02 February 2021 09:52
To: [redacted]
Cc: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>; Head of HSCA <[Redacted]@gov.scot>; Hall K (Kate) <[Redacted]@gov.scot>; Taylor A (Alison) (Health and Social Care) <[Redacted]@gov.scot>;
Subject: RE: Deaths by Individual Care Home

Hi [redacted]

Thanks for the heads up on this. I am copying to CI sponsor teams and others including comms colleagues as there will be media interest

Are you doing anything by way of handling for Wednesday?

Thanks

[redacted]

From: [redacted]
Sent: 01 February 2021 17:26
To: [redacted]
Subject: Deaths by Individual Care Home

Hi [redacted]

Following my previous emails on the topic, I wanted to let you know that, following advice, we've decided that we have to release data on COVID deaths in individual care homes.

On Wednesday when we release the latest COVID stats, we will publish an ad-hoc table showing all deaths which mention COVID by individual care home. A single figure will be given for each home covering deaths registered between 16th March 2020 and 31st January 2021.

We have no plans to update this table on a regular basis, but may have to revisit this if there is significant demand.

We can't provide this information grouped by care home provider but there may be requests for this, which we would refer on to the SG or Care Inspectorate.

Can you ensure that the relevant people within SG and Care Inspectorate are aware of this in case it results in queries towards you?

Thanks

[redacted]

From: [redacted]
Sent: 02 February 2021 12:37
To: [redacted]
Cc: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>; Head of HSCA <[Redacted]@gov.scot>; Hall K (Kate) <[Redacted]@gov.scot>; Taylor A (Alison) (Health and Social Care) <[Redacted]@gov.scot>;
Subject: RE: Official Sensitive - PRE-RELEASE STATISTICS - Deaths by Individual Care Home

All

Change of plan.

I've just been informed by [redacted] that we're going to wait till next week (Wednesday 10th Feb) to publish the table.

The table will be the same format as that I've just sent but will be updated with a further week's data.

[redacted]

From: [redacted]
Sent: 02 February 2021 12:23
To: [redacted]
Cc: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>; Head of HSCA <[Redacted]@gov.scot>; Hall K (Kate) <[Redacted]@gov.scot>; Taylor A (Alison) (Health and Social Care) <[Redacted]@gov.scot>;
Subject: Official Sensitive - PRE-RELEASE STATISTICS - Deaths by Individual Care Home

[redacted]

Here's the table we will be publishing.

Can everyone please note that this table contains pre-release statistics which will not be released until 12 noon tomorrow, so they should not be shared outwith the copy list without prior agreement.

The table contains a record for every care home which had a COVID death between March 2020 and January 2021.

Care homes without any COVID deaths are not included. It is important to note that we only know about care homes which had deaths so can't provide an accurate figure for the number or proportion of care homes with no COVID deaths.

From our records, there were around 880 care homes which had a death (of any cause) from 2020 to date. But this may not be an accurate number of all care homes. It's possible that some care homes have had no deaths at all during this period.

You should also take note of the 'info' tab in the spreadsheet which explains how we allocate institutions to the care home category as this may explain why there may be differences with other data sources.

[redacted]

From: [redacted]
Sent: 02 February 2021 10:18
To: [redacted]
Cc: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>; Head of HSCA <[Redacted]@gov.scot>; Hall K (Kate) <[Redacted]@gov.scot>; Taylor A (Alison) (Health and Social Care) <[Redacted]@gov.scot>;
Subject: RE: Deaths by Individual Care Home

Hi [redacted]

Thanks for letting us know. Would it be possible to share a copy of the table with people on this copy list?

[redacted] will alert Ministers and comms that this is coming, and briefing can be prepared when we see the data.

Thanks
[redacted]

From: [redacted]
Sent: 02 February 2021 09:52
To: [redacted]
Cc: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>; Head of HSCA <[Redacted]@gov.scot>; Hall K (Kate) <[Redacted]@gov.scot>; Taylor A (Alison) (Health and Social Care) <[Redacted]@gov.scot>;
Subject: RE: Deaths by Individual Care Home

Hi [redacted]

Thanks for the heads up on this. I am copying to CI sponsor teams and others including comms colleagues as there will be media interest

Are you doing anything by way of handling for Wednesday?

Thanks

[redacted]

From: [redacted]
Sent: 03 February 2021 11:37
To: [redacted]; [redacted]
<[Redacted]@nrscotland.gov.uk>; NRS : RG-Keeper Mailbox <RG-Keeper@nrscotland.gov.uk>
Cc: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>;
Subject: RE: Care home deaths

Hi [redacted],

That'll be useful, thanks. I can make 12.30-1pm if that suits you and [redacted]?

[redacted].

From: [redacted]
Sent: 03 February 2021 11:20
To: [redacted]; Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; NRS : RG-Keeper Mailbox <RG-Keeper@nrscotland.gov.uk>
Cc: [redacted]; <[Redacted]@gov.scot>;
Subject: RE: Care home deaths
Importance: High

[redacted]

Morning,

Can we discuss how NRS can help with the stakeholder engagement work, and we can update each other on where we are re release of Fol data, Ministerial interests, etc

I can make time anytime outside of 1 – 2 pm today.

Probably best to use TEAMS (as I will also bring [redacted] onto the call).

[redacted]

From: [redacted]
Sent: 03 February 2021 11:47
To: [redacted]; Lowe P (Paul); NRS : RG-Keeper Mailbox
Cc: Bell D (Donna)
Subject: RE: Care home deaths

Follow Up Flag: Follow up
Flag Status: Completed

Thanks [redacted]– I'll pop some time in diaries.

From: Lowe P (Paul)
Sent: 03 February 2021 11:23
To: [redacted]
Cc: [redacted]
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Thanks [redacted]

Appreciate it will be tricky to get the right folk in the room.

We will give this priority to make sure the right representation is available from NRS, [redacted] picking up with you / your team on detail and I see he has been in further contact

Thanks

P

From: [redacted]
Sent: 03 February 2021 11:01
To: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

[redacted],

Would 2pm tomorrow be suitable – struggling for availability?

Thanks,

[redacted]

From: [redacted]
Sent: 03 February 2021 11:20
To: [redacted]; NRS : RG-Keeper Mailbox
Cc: [redacted]; Bell D (Donna)
Subject: RE: Care home deaths

Morning [redacted]

Thanks for getting back to me and confirming the position, somewhere in the system some confusion seemed to have crept in over the course of yesterday so this is helpful.

As I indicated yesterday NRS officials are happy to engage with your team on speaking to stakeholders and for sessions with stakeholders to take place this week. I understand [redacted] was approached directly about this yesterday as well and confirmed through that separate correspondence that he would be happy to be involved. [redacted] and team are also looking, as I mentioned in an e-mail yesterday, to facilitate the provision of additional information / data to Chief Officers.

Just to confirm [redacted] will give you a call shortly to discuss taking all this forward as a matter of urgency

Thanks

P

From: [redacted]
Sent: 03 February 2021 10:21
To: Lowe P (Paul) <Redacted@nrscotland.gov.uk>; NRS : RG-Keeper Mailbox <RG-Keeper@nrscotland.gov.uk>
Cc: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>;
Subject: RE: Care home deaths

Paul,

There has always been an acceptance from Ms Freeman that it is for NRS to decide the legal basis for release of these data. Her concern has been in ensuring that the sector, including care homes and families, are aware that this information is to be released given the distress it is likely to cause.

If helpful, we can progress the arrangements for a meeting with stakeholders. Do you have a PA that can check availability of NRS colleagues? In advance of the meeting we can also provide some background on the points that stakeholders may wish to raise.

Thanks,

[redacted]

From: Lowe P (Paul)
Sent: 02 February 2021 20:24
To: [redacted]; NRS : RG-Keeper Mailbox
Cc: [redacted];
Subject: RE: Care home deaths

[redacted]

Thanks for your note and happy to discuss earlier.

I assume that there is acceptance from your Cab Sec that this data will be released and the focus has shifted to working with stakeholders to aid understanding and minimise impact. [Redacted].

In relation to your suggestion, we would be happy to send representation to discussions this week with key stakeholders but suggest there might be merit in some sort of pre-discussion to explore how these sessions would operate and NRS role in these. I believe [redacted] has been contacted separately in other e-mail communications and through these has already offered to be involved in discussions with Chief Officers, I understand we have also separately offered to prepare some data at individual care home level that we could use to engage with key stakeholders on the position.

Can I ask who is leading to set these meetings up so that we can engage with them on this and perhaps to progress the preparatory discussions?

Thanks

P

From: Lowe P (Paul)
Sent: 02 February 2021 18:29
To: [redacted]; RG-Keeper@nrsscotland.gov.uk
Subject: RE: Care home deaths

[redacted]

Thanks for your e-mail and not a problem re earlier discussions.

Can I ask where Ms Freeman is on issue now, following her earlier message to Ms Hyslop [Redacted]

[Redacted]

I'll pick up the point on meetings with stakeholders with team and come back to you asap but grateful for reflections on where this sits with your Cab Sec and next steps , happy to speak this evening on phone if easier?

P

From: [redacted]
Sent: 02 February 2021 18:01
To: Lowe P (Paul) <[Redacted]@nrsscotland.gov.uk>; RG-Keeper@nrsscotland.gov.uk
Subject: Care home deaths

Hi Paul,

Thank you for your time earlier. The release of these data has been discussed today at our regular meetings with HSCP Chief Officers and at the Care Homes GOLD group; we thought it necessary to inform them these data would be published given the obvious handling implications for partners. There's clearly considerable anxiety in ensuring the data is released in a sensitive manner given the likely distress it will cause care home staff, residents and their families. Is it possible to set up a meeting for Thursday and Friday this week with a number of key sector partners to discuss options to ensure awareness this information is being released and how we might minimise any distress through its publication?

Thanks,

[redacted].

From: [redacted]
Sent: 03 February 2021 18:28
To: [redacted];
Subject: RE: Care home deaths

Thanks [redacted]. Yes agree that it's not appropriate to have ICO involved tomorrow; if stakeholders have wider concerns then they should raise with ICO.

Useful explanation on single / small number of deaths. I don't think it's so much that the home may not believe that the death is Covid-related (the NRS and Care Inspectorate death figures are pretty close and the latter are reported by the home), more the concern is that the families will know it's their relative. I appreciate that the ICO has ruled this concern is insufficient to prevent release.

[redacted].

From: [redacted]
Sent: 03 February 2021 16:28
To: [redacted] ;
Subject: RE: Care home deaths

We are clear about the ICO advice and it is for NRS to act on this – so I would rather not have a discussion with ICO in the room [Redacted] as this seems to imply that COs think this will change the ICO advice and stop the release of the data. We are clear about the advice we have been given. If however COs want to explore the broader context for their own awareness, then ok.

Regarding single deaths, there is no specific exemption under FOISA for information about deceased people. There are some areas such as medical records or information about other living people which would be considered, but essentially reporting that an individual died of COVID wouldn't be covered.

The broader protections to living people through GDPR don't apply to deceased individuals as their data doesn't constitute personal data.

NRS currently produces tables of mortality data with single counts – so there is a precedence for releasing data at this level.

Of course for these single and small counts it is quite likely that individual care homes may believe that the death wasn't COVID – ie lack of a positive test or lack of a test. However, NRS methodology is clear that we report on registered deaths where COVID is mentioned. This is the basis of our stats throughout the pandemic.

As noted above there isn't an issue of disclosure (about the individual), and implications for families, staff, organisations have been considered by ICO to not be sufficient to stop the release of data. Therefore small counts aren't a consideration from this perspective.

I would assume that the interest will be at the other end of the spectrum !

Cheers

[redacted]

From: [redacted] [redacted]
Sent: 03 February 2021 15:46
To: [redacted]; [redacted]
Subject: RE: Care home deaths

[redacted],

Just had confirmation from stakeholders re: availability so will send a meeting invite. Will Be Scottish Care, Care Inspectorate, Chief Officer rep, SOLACE rep, Coalition of Care and support Providers in Scotland. Cleland Sneddon (SOLACE) has suggested it is worth having someone from ICO there but it sounds as if you're clear on the advice you have received.

As I'm sure it will come up, for homes where there is a single death (where identification is made more likely) has the decision to include been made in conjunction with ICO or is that a NRS decision? I know decisions around disclosure are not always straightforward and I was setting that out in the GOLD meeting yesterday but it'll be no doubt raised.

Thanks,

[redacted].

From: [redacted]
Sent: 03 February 2021 15:34
To: [redacted]
Subject: RE: Care home deaths

[redacted]

Any news on the CO meeting – is it definitely happening at 2pm tomorrow ? Apologies if I have missed this.

Ta

[redacted]

From: [redacted]
Sent: 03 February 2021 11:37
To: [redacted]; Lowe P (Paul) <[\[Redacted\]@nrscotland.gov.uk](mailto:[Redacted]@nrscotland.gov.uk)>; NRS : RG-Keeper Mailbox <RG-Keeper@nrscotland.gov.uk>
Cc: [redacted]; Bell D (Donna) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>;
Subject: RE: Care home deaths

Hi [redacted],

That'll be useful, thanks. I can make 12.30-1pm if that suits you and Lyndsay?

[redacted].

From: [redacted]
Sent: 03 February 2021 11:20
To: [redacted] ; Lowe P (Paul) <[\[Redacted\]@nrscotland.gov.uk](mailto:[Redacted]@nrscotland.gov.uk)>; NRS : RG-Keeper Mailbox <RG-Keeper@nrscotland.gov.uk>
Cc: [redacted]; Bell D (Donna) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>;
Subject: RE: Care home deaths
Importance: High

[redacted]

Morning,

Can we discuss how NRS can help with the stakeholder engagement work, and we can update each other on where we are re release of Fol data, Ministerial interests, etc

I can make time anytime outside of 1 – 2 pm today.

Probably best to use TEAMS (as I will also bring Lyndsay onto the call).

Cheers

[redacted]

From: Bowman K (Katy) <[Redacted]@gov.scot>
Sent: 03 February 2021 13:51
To: [redacted]; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>;
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Great, thanks for letting me know.

Katy

From: [redacted]
Sent: 03 February 2021 13:50
To: Bowman K (Katy) ; Cabinet Secretary for Economy, Fair Work and Culture ; Cabinet Secretary for Health and Sport ; Bell D (Donna) ; [redacted]
Cc: Lowe P (Paul) ; Hutchison D (David) ; Nicolson S (Stuart) Special Adviser ; Ingebrigtsen R (Ross) ; McAllister C (Colin)
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Hi Katy,

This issue was covered in the ministerial submission accompanying today's publication of the covid mortality stats.

Thanks,
[redacted]

From: Bowman K (Katy) <[Redacted]@gov.scot>
Sent: 03 February 2021 13:27
To: Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; [redacted]; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>;
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Thanks [redacted].

If it hasn't already can I suggest a note goes to FM to advise her of this – not sure who would lead on that but grateful if it can be picked up.

Katy

From: [redacted] On Behalf Of Cabinet Secretary for Economy, Fair Work and Culture
Sent: 03 February 2021 13:21
To: [redacted]; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bowman K (Katy) <[Redacted]@gov.scot>; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>; [redacted]
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

That's great [redacted].

Thanks so much and grateful for an update tomorrow.

[redacted]

From: [redacted]
Sent: 03 February 2021 13:13
To: Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bowman K (Katy) <[Redacted]@gov.scot>; Bell D (Donna) <Donna.Bell@gov.scot>; [redacted]
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk. [Redacted]>; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>;
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Hi Alistair,

Following up on your earlier e-mail. To confirm, this data will be published next Wednesday (10th February) to coincide with next week's publication of covid mortality stats.

NRS and colleagues from SG Health will meet with Chief Officers of Health and Social Care Partnerships tomorrow to discuss the release of this data and how the impact can be managed with wider stakeholders.

Many thanks,
[redacted]

From: [redacted] On Behalf Of Cabinet Secretary for Economy, Fair Work and Culture
Sent: 03 February 2021 12:40
To: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bowman K (Katy) <[Redacted]@gov.scot>; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; [redacted]; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>;

Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

[redacted]

Cab Sec agrees with Ms Freeman that contact with the individual Care Homes must happen

Thanks
[redacted]

From: [redacted] On Behalf Of Cabinet Secretary for Health and Sport
Sent: 03 February 2021 10:54

To: Bowman K (Katy) <[Redacted]@gov.scot>; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; [redacted]; <[Redacted]@gov.scot>; >; [redacted]
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>;
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

[redacted] – thanks for your email below. The Cab Sec has asked me to reiterate that it was never, at any stage, her intention to prevent publication of this data. Her concern here was that individual care homes (and other care home stakeholders) were not aware that this data was being published. She notes that the publication date has been put back a week and has asked that the NRS (with the involvement of Health officials) facilitate discussions with the relevant stakeholders in order to discuss the data that they are publishing with a view to minimising the distress caused to families and care home staff by this information becoming public.

I would be grateful if you could advise Ms Hyslop of the Cab Sec's view and seek her agreement that this approach is taken forward.

Many thanks,
[redacted]

From: Bowman K (Katy) <[Redacted]@gov.scot>
Sent: 03 February 2021 09:55

To: Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Bell D (Donna) <[Redacted]@gov.scot>; [redacted]
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>;
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Adding other SpAds for awareness – please keep them copied to developments so comms handling can be arranged.

Thanks

Katy

From: [redacted] On Behalf Of Cabinet Secretary for Economy, Fair Work and Culture
Sent: 03 February 2021 09:45
To: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Bowman K (Katy) <[Redacted]@gov.scot>; Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Hutchison D (David) <[Redacted]@gov.scot>;
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Hi all

Just joining discussions on this. This was the note that was sent from Cab Sec to Ms Freeman last night:

Cabinet Secretary for Health and Sport

Thank you for your e-mail of 2nd February regarding the publication of individual care home death statistics.

NRS have informed me that the decision to publish this information was made following a Freedom of Information Request from a journalist. NRS initially refused this request but following an appeal to the Scottish Information Commissioner's Office (ICO), NRS obtained advice from both the ICO and [Redacted]. Rather than release this data on an individual basis to a journalist, it was deemed appropriate to pro-actively publish this data on the NRS website.

NRS appreciate the public impact of making this data available. As such, they will not publish the data this week but will do so on 10th February to allow SG Officials the opportunity to engage with relevant stakeholders such as Chief Officers of the Health and Social Care Partnership and the Care Commission to minimise the distress caused to families and care home staff by this information as best as possible.

Fiona Hyslop

[redacted] – grateful if you could set out the plan for the next day as we discussed.

Thanks

[redacted]

From: [redacted]
Sent: 08 February 2021 12:28
To: Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bowman K (Katy) <[Redacted]@gov.scot>; [redacted]; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>;
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Hi [redacted],

Following a meeting with stakeholders on Thursday, NRS has been granted an extension to the FOI appeal by the Scottish Information Commissioner until Friday 12th February. This is to allow NRS time to consider representations made by stakeholders in respect of one of the exemptions.

For that reason, NRS will not publish this data on Wednesday.

I will keep you updated.

Thanks,
[redacted]

From: [redacted] On Behalf Of Cabinet Secretary for Economy, Fair Work and Culture
Sent: 03 February 2021 13:21
To: [redacted] ; Cabinet Secretary for Economy, Fair Work and Culture ; Cabinet Secretary for Health and Sport ; Bowman K (Katy); Bell D (Donna) ;
Cc: Lowe P (Paul) ; [redacted] ; Hutchison D (David) ; Nicolson S (Stuart) Special Adviser ; Ingebrigtsen R (Ross); McAllister C (Colin)
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

That's great [redacted].

Thanks so much and grateful for an update tomorrow.

[redacted]

From: [redacted]
Sent: 03 February 2021 13:13
To: Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bowman K (Katy) <[Redacted]@gov.scot>; [redacted]; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>;
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Hi [redacted],

Following up on your earlier e-mail. To confirm, this data will be published next Wednesday (10th February) to coincide with next week's publication of covid mortality stats.

NRS and colleagues from SG Health will meet with Chief Officers of Health and Social Care Partnerships tomorrow to discuss the release of this data and how the impact can be managed with wider stakeholders.

Many thanks,
[redacted]



From: [redacted]
Sent: 05 February 2021 08:18
To: [redacted] [redacted]
Subject: RE: Care home data - updating Ministers

Agree [redacted]– perhaps we can catch up later when we know more about next steps and agree how to update respective Ministers.

Thanks,
[redacted]

From: [redacted]
Sent: 04 February 2021 18:19
To: [redacted]
Subject: RE: Care home data - updating Ministers

Hi [redacted],

I think it's worth holding off updating Ministers until we know if the meeting with ICO is going ahead.

Thanks,

[redacted].

From: [redacted]
Sent: 04 February 2021 16:46
To: [redacted]
Subject: Care home data - updating Ministers

Hi [redacted],

Do you have a plan on how / when you are updating your Minister on the outcome of the discussions today around this FOI? Ms Hyslop's office asked for an update today but I have advised her office that we'll do that after the follow up meeting tomorrow.

Thanks,
[redacted]

From: [redacted]
Sent: 08 February 2021 11:56
To: Donald Macaskill <[Redacted]@scottishcare.org>;
Cc: Bell D (Donna) <[Redacted]@gov.scot>; Annie Gunner Logan
<[Redacted]@ccpscotland.org>; [Redacted]@careinspectorate.gov.scot;
[Redacted]@dundeecity.gov.uk; [Redacted]@southlanarkshire.gov.uk;
[Redacted]@southlanarkshire.gov.uk; [Redacted]@north-ayrshire.gov.uk;
[Redacted]@crossreach.org.uk; [redacted]
Subject: RE: Care home data - follow up

Morning all,

Further to my e-mail on Friday, I can confirm that NRS has spoken with OSIC this morning. They have agreed that NRS does not have to publish this data on Wednesday and has extended the appeal deadline until Friday 12th February.

If you would like to make further representations to NRS I would be most grateful if you could provide those to me by COP tomorrow (9th February).

Many thanks,
[redacted]

From: [redacted]
Sent: 05 February 2021 12:12
To: 'Donald Macaskill' ; [redacted]
Cc: Bell D (Donna) <[Redacted]@gov.scot>; Annie Gunner Logan
<[Redacted]@ccpscotland.org>; [Redacted]@careinspectorate.gov.scot;
[Redacted]@dundeecity.gov.uk; [Redacted]@southlanarkshire.gov.uk;
[Redacted]@southlanarkshire.gov.uk; [Redacted]@north-ayrshire.gov.uk;
[Redacted]@crossreach.org.uk;

Afternoon all,

NRS will engage with OSIC at the start of next week to advise of our intention to delay publication of the data pending the outcome of further representations to be made.

I'll be back in touch thereafter to confirm the position.

Thanks,
[redacted]

-----Original Appointment-----

From: Bell D (Donna)
Sent: 03 February 2021 12:47
To: Bell D (Donna); Donald Macaskill; Annie Gunner Logan; Macleod, Peter; Vicky Irons;
[Redacted]@southlanarkshire.gov.uk; [redacted]
Subject: Care home Deaths Data Discussion
When: 04 February 2021 14:00-15:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: Microsoft Teams Meeting

Good Afternoon All,

Following on from [redacted]'s email dated 03/02 @ 13:22.

Please accept the time to discuss the above.

Many thanks,
[redacted]



From: [redacted]
Sent: 05 February 2021 11:10
To: Bell D (Donna) <[Redacted]@gov.scot>; [redacted]; [redacted]; Donald Macaskill <[Redacted]@scottishcare.org>; Annie Gunner Logan <[Redacted]@ccpscotland.org>; Macleod, Peter <[Redacted]@careinspectorate.gov.scot>; Vicky Irons <[Redacted]@dundeecity.gov.uk>; [Redacted]@southlanarkshire.gov.uk; 'Val de Souza' <[Redacted]@southlanarkshire.gov.uk>; Caroline Cameron (Director / Health & Social Care Partnership) <[Redacted]@north-ayrshire.gov.uk>; '[Redacted]@crossreach.org.uk' <[Redacted]@crossreach.org.uk>
Subject: Care home data - follow up

All,

As requested at yesterday's meeting, our Fol Unit had a conversation with the Commissioner's Office on whether they would be willing to meet stakeholders to discuss the Fol case. The Commissioner's Office indicated that it was not appropriate to meet third parties to a case but were willing to take further written representations **by close of play Friday 15th February**. Given the concurrent Care Inspectorate case, the Commissioner's Office noted they'd take further presentations on both cases. If parties wish to make further representations these should be made to NRS and the Care Inspectorate rather than directly to the Commissioner's Office. Our Fol Office is happy to speak to NRS and Care Inspectorate colleagues if they'd find that helpful.

On the second point discussed yesterday, as requested we sought views from justice colleagues. They do not see a reason to consider any exemption under FOISA and feel publication of the data would not prejudice an investigation.

Thanks,

[redacted].

[redacted]

From: [redacted]
Sent: 05 February 2021 11:10
To: Bell D (Donna) <[Redacted]@gov.scot>; [redacted]; Donald Macaskill <[Redacted]@scottishcare.org>; Annie Gunner Logan <[Redacted]@ccpscotland.org>; Macleod, Peter <[Redacted]@careinspectorate.gov.scot>; Vicky Irons <[Redacted]@dundeecity.gov.uk>; [Redacted]@southlanarkshire.gov.uk; Val de Souza <[Redacted]@southlanarkshire.gov.uk>; Caroline Cameron (Director / Health & Social Care Partnership) <[Redacted]@north-ayrshire.gov.uk>; [Redacted]@crossreach.org.uk
Subject: Care home data - follow up

Sorry folks, it's Friday 12th February.

On the publication, that will be for NRS not Scottish Government to decide.

[redacted].

From: [redacted]
Sent: 05 February 2021 12:06
To: Bell D (Donna) <[Redacted]@gov.scot>; [redacted]
Subject: RE: Care home data - follow up

Thanks [redacted].

We have an informal discussion arranged with the Information Commissioner on Monday morning. I'll be better placed to understand timescales then and will update Ministers following that. While I appreciate we now have an extension I'm not clear how quickly OSIC will tell us their decision – and that will inform publication dates.

I'll reply to the e-mail chain with stakeholders to let them know that we will discuss with OSIC on Monday our intention to delay publication.

I'll let Ms Hyslop's office know informally that an update on this issue will be provided on Monday afternoon.

Thanks,
[redacted]

From: [redacted]
Sent: 05 February 2021 11:42
To: [redacted] ; [redacted] ; Bell D (Donna) ; [redacted]
Subject: RE: Care home data - follow up

[redacted]

Appreciate this has been an unusual process but thanks you meeting stakeholders yesterday to discuss; you'll have gauged the strength of feeling around this. It was helpful for them to better understand the process you've been through on this case. The Commissioner's Office has effectively agreed an extension but I suspect they may feel as if they've already had sufficient representations, in both the NRS and Care Inspectorate cases. At the very least it provides stakeholders with an opportunity to assure themselves that the Commissioner has fully considered Section 39.

Grateful if you can keep us updated on next steps as our Ministers will be asking. It would be good to follow up on handling as well, including the analysis [redacted] team is doing.

Thanks,

[redacted].

From: [redacted]
Sent: 14 May 2021 14:45
To: [redacted];
Cc: [redacted];
Subject: NRS comms line re care home deaths FOI

Hi both,

For awareness, below are the NRS reactive media lines on this issue:

“NRS continues to publish a range of information on COVID related mortality, including where the location of death is a care home. Our statistical analysis provides valuable information on characteristics of the deceased as well as presentation at Health Board and Local Authority level. Following review by the Scottish Information Commissioner of a FoI request to release data on individual Care Homes, NRS will make these data available in line with the original FoI request and the timeframe set out by the SIC”.

‘In light of the SIC’s decision on Care Home data, NRS will also make available in response to an FoI request, data on individual Hospitals’.

Thanks,
[redacted]

From: [redacted]
Sent: 19 May 2021 13:26
To: 'Donald Macaskill'; [redacted]
Cc: Bell D (Donna); [redacted]; Annie Gunner Logan;
'[Redacted]@careinspectorate.gov.scot'; '[Redacted]@dundeecity.gov.uk';
'[Redacted]@southlanarkshire.gov.uk'; '[Redacted]@southlanarkshire.gov.uk';
'[Redacted]@north-ayrshire.gov.uk'; '[Redacted]@crossreach.org.uk'; [redacted]
Subject: RE: Care home data - follow up

Good afternoon,

Following up on the e-mail chain below, I can confirm that the Scottish Information Commissioner has ruled against NRS and as such NRS will publish the requested data on individual care home deaths on Wednesday 26th May.

Thanks,
[redacted]

From: [redacted]
Sent: 08 February 2021 11:56
To: Donald Macaskill <[Redacted]@scottishcare.org>;
Cc: Bell D (Donna) <[Redacted]@gov.scot>; Donna.Bell@gov.scot>; [redacted]; Annie Gunner Logan <[Redacted]@ccpscotland.org>; [Redacted]@careinspectorate.gov.scot; [Redacted]@dundeecity.gov.uk; [Redacted]@southlanarkshire.gov.uk; [Redacted]@southlanarkshire.gov.uk; [Redacted]@north-ayrshire.gov.uk; [Redacted]@crossreach.org.uk; [redacted]
Subject: RE: Care home data - follow up

Morning all,

Further to my e-mail on Friday, I can confirm that NRS has spoken with OSIC this morning. They have agreed that NRS does not have to publish this data on Wednesday and has extended the appeal deadline until Friday 12th February.

If you would like to make further representations to NRS I would be most grateful if you could provide those to me by COP tomorrow (9th February).

Many thanks,
[redacted]

From: [redacted]
Sent: 05 February 2021 12:12
To: 'Donald Macaskill' ; [redacted]
Cc: Bell D (Donna) ; [redacted] ; Annie Gunner Logan ;
[Redacted]@careinspectorate.gov.scot; [Redacted]@dundeecity.gov.uk;
[Redacted]@southlanarkshire.gov.uk; [Redacted]@southlanarkshire.gov.uk;
[Redacted]@north-ayrshire.gov.uk; [Redacted]@crossreach.org.uk
Subject: RE: Care home data - follow up

Afternoon all,

NRS will engage with OSIC at the start of next week to advise of our intention to delay publication of the data pending the outcome of further representations to be made.

I'll be back in touch thereafter to confirm the position.

Thanks,
[redacted]

From: [redacted]
Sent: 05 February 2021 11:10
To: Bell D (Donna) <[Redacted]@gov.scot>; [redacted]; Donald Macaskill <[Redacted]@scottishcare.org>; Annie Gunner Logan <[Redacted]@ccpscotland.org>; Macleod, Peter <[Redacted]@careinspectorate.gov.scot>; Vicky Irons <[Redacted]@dundeecity.gov.uk>; [Redacted]@southlanarkshire.gov.uk; Val de Souza <[Redacted]@southlanarkshire.gov.uk>; Caroline Cameron (Director / Health & Social Care Partnership) <[Redacted]@north-ayrshire.gov.uk>; [Redacted]@crossreach.org.uk
Subject: Care home data - follow up

All,

As requested at yesterday's meeting, our Fol Unit had a conversation with the Commissioner's Office on whether they would be willing to meet stakeholders to discuss the Fol case. The Commissioner's Office indicated that it was not appropriate to meet third parties to a case but were willing to take further written representations **by close of play Friday 15th February**. Given the concurrent Care Inspectorate case, the Commissioner's Office noted they'd take further presentations on both cases. If parties wish to make further representations these should be made to NRS and the Care Inspectorate rather than directly to the Commissioner's Office. Our Fol Office is happy to speak to NRS and Care Inspectorate colleagues if they'd find that helpful.

On the second point discussed yesterday, as requested we sought views from justice colleagues. They do not see a reason to consider any exemption under FOISA and feel publication of the data would not prejudice an investigation.

Thanks,

[redacted].

[redacted]

Subject: Care home deaths
Location: Microsoft Teams Meeting

Start: Thu 11/03/2021 17:15
End: Thu 11/03/2021 17:30

Recurrence: (none)

Meeting Status: Accepted

Organizer: [redacted]
Required Attendees: [redacted];

Microsoft Teams meeting
Join on your computer or mobile app
[Click here to join the meeting](#)
Or call in (audio only)
United Kingdom, Edinburgh
Phone Conference ID: [redacted]
[Find a local number](#) | [Reset PIN](#)
SCOTS Connect
[Learn More](#) | [Help](#) | [Meeting options](#)



From: [redacted]
Sent: 19 May 2021 13:23
To: Cabinet Secretary for Economy, Fair Work and Culture; zzzCabinet Secretary for Health and Sport; [redacted]; Bell D (Donna);
Cc: Lowe P (Paul); Hutchison D (David) (Special Adviser); Nicolson S (Stuart) (Special Adviser); Ingebrigtsen R (Ross); McAllister C (Colin);
Subject: RE: Urgent: Publication of individual level care home death data - update

Good afternoon,

Following up on the e-mail chain below, I can confirm that the Scottish Information Commissioner has ruled against NRS and as such NRS will publish the requested data on individual care home deaths on Wednesday 26th May. COPFS and a small number of local authorities have already provided their own data in respect to similar requests.

The same requester made a separate FOI request for information on the number of covid deaths broken down by location of death for NHS facilities. In light of the clear decision by the Scottish Information Commissioner regarding the care homes data, the information in respect of hospitals will also be published on 26th May.

Thanks,
[redacted]

From: [redacted]
Sent: 01 March 2021 10:42
To: Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bowman K (Katy) <[Redacted]@gov.scot>; [redacted]; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>;
Subject: RE: Urgent: Publication of individual level care home death data - update

Good morning,

To update on the e-mail chain below in respect of an FOI requesting individual level care home data. Over the course of the last two weeks NRS has received representations from the care sector expressing their concerns about the release of this data and the impact it's release is likely to have on individuals, families and care home staff. Following careful consideration of these representations, NRS have lodged a written submission for the appeal with the Scottish Information Commissioner.

At this stage, it is not known when a decision will be made by the Commissioner but we will keep you updated when that is known. A decision is not expected imminently.

Thanks,
[redacted]

From: [redacted]
Sent: 08 February 2021 12:28
To: Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bowman K (Katy) <[Redacted]@gov.scot>; [redacted]; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Hi [redacted],

Following a meeting with stakeholders on Thursday, NRS has been granted an extension to the FOI appeal by the Scottish Information Commissioner until Friday 12th February. This is to allow NRS time to consider representations made by stakeholders in respect of one of the exemptions.

For that reason, NRS will not publish this data on Wednesday.

I will keep you updated.

Thanks,
[redacted]

From: [redacted] On Behalf Of Cabinet Secretary for Economy, Fair Work and Culture
Sent: 03 February 2021 13:21
To: [redacted]; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bowman K (Katy) <[Redacted]@gov.scot>; Bell D (Donna) <[Redacted]@ @gov.scot>;
Cc: Lowe P (Paul) <[Redacted]@ @nrscotland.gov.uk>; [redacted]; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

That's great [redacted].

Thanks so much and grateful for an update tomorrow.

[redacted]

From: [redacted]
Sent: 03 February 2021 13:13
To: Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bowman K (Katy) <[Redacted]@gov.scot>; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@ @gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>

Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Hi [redacted],

Following up on your earlier e-mail. To confirm, this data will be published next Wednesday (10th February) to coincide with next week's publication of covid mortality stats.

NRS and colleagues from SG Health will meet with Chief Officers of Health and Social Care Partnerships tomorrow to discuss the release of this data and how the impact can be managed with wider stakeholders.

Many thanks,
[redacted]

From: [redacted] On Behalf Of Cabinet Secretary for Economy, Fair Work and Culture
Sent: 03 February 2021 12:40

To: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Bowman K (Katy) <[Redacted]@gov.scot>; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Bell D (Donna) <[Redacted]@gov.scot>; [redacted]
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

[redacted]

Cab Sec agrees with Ms Freeman that contact with the individual Care Homes must happen

Thanks

[redacted]

From: [redacted] On Behalf Of Cabinet Secretary for Health and Sport
Sent: 03 February 2021 10:54

To: Bowman K (Katy) <[Redacted]@ @gov.scot>; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Bell D (Donna) <[Redacted]@gov.scot>; [redacted]
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

[redacted] – thanks for your email below. The Cab Sec has asked me to reiterate that it was never, at any stage, her intention to prevent publication of this data. Her concern here was that individual care homes (and other care home stakeholders) were not aware that this data was being published. She notes that the publication date has been put back a week and has asked that the NRS (with the involvement of Health officials) facilitate discussions with the relevant stakeholders in order to discuss the data that they are publishing with a view to minimising the distress caused to families and care home staff by this information becoming public.

I would be grateful if you could advise Ms Hyslop of the Cab Sec's view and seek her agreement that this approach is taken forward.

Many thanks,
[redacted]

From: Bowman K (Katy) <[Redacted]@gov.scot>
Sent: 03 February 2021 09:55
To: Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Bell D (Donna) <[Redacted]@gov.scot>; [redacted]
Cc: Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Hutchison D (David) <[Redacted]@gov.scot>; Nicolson S (Stuart) Special Adviser <[Redacted]@gov.scot>; Ingebrigtsen R (Ross) <[Redacted]@gov.scot>; McAllister C (Colin) <[Redacted]@gov.scot>
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Adding other SpAds for awareness – please keep them copied to developments so comms handling can be arranged.

Thanks

Katy

From: [redacted] On Behalf Of Cabinet Secretary for Economy, Fair Work and Culture
Sent: 03 February 2021 09:45
To: [redacted]; Bell D (Donna) <[Redacted]@gov.scot>;
Cc: Bowman K (Katy) <[Redacted]@gov.scot>; Lowe P (Paul) <[Redacted]@nrscotland.gov.uk>; [redacted]; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; Hutchison D (David) <[Redacted]@gov.scot>
Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

Hi all

Just joining discussions on this. This was the note that was sent from Cab Sec to Ms Freeman last night:

Cabinet Secretary for Health and Sport

Thank you for your e-mail of 2nd February regarding the publication of individual care home death statistics.

NRS have informed me that the decision to publish this information was made following a Freedom of Information Request from a journalist. NRS initially refused this request but following an appeal to the Scottish Information Commissioner's Office (ICO), NRS obtained advice from both the ICO [Redacted] Rather than release this data on an individual basis to a journalist, it was deemed appropriate to pro-actively publish this data on the NRS website.

NRS appreciate the public impact of making this data available. As such, they will not publish the data this week but will do so on 10th February to allow SG Officials the opportunity to engage with relevant stakeholders such as Chief Officers of the Health and Social Care Partnership and the Care Commission to minimise the distress caused to families and care home staff by this information as best as possible.

Fiona Hyslop

[redacted] – grateful if you could set out the plan for the next day as we discussed.

Thanks

[redacted]

From: [redacted] On Behalf Of Cabinet Secretary for Economy, Fair Work and Culture

Sent: 02 February 2021 17:15

To: [redacted]; Cabinet Secretary for Economy, Fair Work and Culture

<CabSecEFWC@gov.scot>; Lowe P (Paul) <[Redacted]@nrsotland.gov.uk>; [redacted]

Cc: Bowman K (Katy) <[Redacted]@gov.scot>; [redacted]

Subject: RE: Urgent: Publication of individual level care home death data - Wednesday 3rd February

[redacted]

Cab Sec is grateful for the note and its been sent.

Can you confirm if NRS advised her of this as I can't find a record.

Cab Sec has asked if we can we use the next week to see if there is a better way of managing [Redacted]

If it is the case that this information is required to be released then she thinks NRS must give reasonable notice to Care Homes named

Grateful for an update when ready

Thanks

[redacted]

From: Halliday R (Roger)
Sent: 15 February 2021 10:16
To: [redacted]
Cc: [redacted] ; Head of HSCA ;
Subject: RE: Care home death stats

Thanks [redacted]. I'll go back to Sir Ian and connect him to [redacted] about this.

Roger

Professor Roger Halliday
Chief Statistician, Scottish Government
Interim CEO, Research Data Scotland
m: [Redacted] e: [Redacted]@ gov.scot tw:@ScotStat @HallidayRoger

My [Redacted]@ gov.scot mailbox is only for non COVID related matters. For all C-19 Analysis Division related work please redirect to [Redacted]@ gov.scot

From: [redacted]
Sent: 15 February 2021 09:05
To: Halliday R (Roger) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [redacted]
Cc: [redacted]
Subject: RE: Care home death stats

Roger,

It probably makes sense if NRS speaks with Sir Ian directly, given the decision whether to release or not will be taken by Paul Lowe (rather than SG Ministers).

The quick answer is that we are continuing to consider the FoI request and as part of this we are gathering further information from stakeholders – specifically around Section 39 issues.

Can you let me know if you have spoken to Sir Ian.

Ta

[redacted]

From: [redacted]
Sent: 12 February 2021 17:30
To: Halliday R (Roger) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [redacted]
Cc: [redacted]
Subject: RE: Care home death stats

Hi Roger,

[redacted] is probably best placed to provide an update but if you need something today let me know and I'll try to summarise.

[redacted].

From: Halliday R (Roger) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Sent: 12 February 2021 13:54

To: [redacted]
Cc: [redacted]
Subject: Care home death stats

Hi [redacted]

[Redacted]

Cheers.

Roger

Professor Roger Halliday
Chief Statistician, Scottish Government
Interim CEO, Research Data Scotland
m: [Redacted] e: [Redacted]@ gov.scot tw:@ScotStat @HallidayRoger

My [Redacted]@ gov.scot mailbox is only for non COVID related matters. For all C-19 Analysis Division related work please redirect to [Redacted]@ gov.scot



From: [redacted]
Sent: 24 May 2021 08:29
To: [redacted]
Cc: [redacted]
Subject: RE: Care home deaths

Hi [redacted],

Presuming this might come up at FMQs this week so let me know if you need a contribution from NRS.

Thanks,
[redacted]

From: [redacted]
Sent: 21 May 2021 17:15
To: [redacted]
Cc: [redacted]
Subject: RE: Care home deaths

Thanks [redacted], that's helpful.

[redacted].

From: [redacted]
Sent: 21 May 2021 14:37
To: [redacted]
Cc: [redacted]
Subject: RE: Care home deaths

[Redacted] We then planned to publish the requested data and it was thereafter that we started to receive representations from the sector so we made submissions to SIC based on the section 33 exemption (commercial) and section 39(1) exemption (health and wellbeing).

From: [redacted]
Sent: 21 May 2021 14:25
To: [redacted]
Cc: [redacted]
Subject: RE: Care home deaths

Sorry [redacted]. We initially applied the personal information exemption – section 38(1)(b). Our response to [redacted] is attached along with the follow up letter post review.

From: [redacted]
Sent: 21 May 2021 14:17
To: [redacted]
Cc: [redacted]
Subject: RE: Care home deaths

Thanks [redacted]– I was more thinking the original decision last Sept.

From: [redacted]
Sent: 21 May 2021 14:06

To: [redacted]
Cc: [redacted]
Subject: RE: Care home deaths

Hi [redacted],

I've attached an e-mail chain which outlines the position. Effectively, we received representations from the care sector expressing concerns about the release of this data and the impact it's release is likely to have on individuals, families and care home staff. Following careful consideration of these representations, we lodged a written submission for the appeal with the Scottish Information Commissioner. The SIC ruled against us. I've also attached the judgement from SIC for awareness.

Let me know if you need anything else.

Thanks,
[redacted]

From: [redacted]
Sent: 21 May 2021 14:02
To: [redacted]
Cc: [redacted]
Subject: RE: Care home deaths
Importance: High

[redacted],

Meeting CabSec and Minister in 15 minutes – just in case it comes up can you give me a line on why NRS original decided not to release. I can't recall the exact exemption.

Thanks,

[redacted].

From: [redacted]
Sent: 21 May 2021 13:45
To: [redacted]
Cc: [redacted]
Subject: Care home deaths

Hi [redacted],

Hope you're well. I just wanted to check you are sighted on the media coverage around the care homes FOI and that SG are engaging with Ministers. Some of the reporting / social media activity doesn't quite match the reality of the circumstances. We've had a few media queries here and have issued the line below. NRS Comms are linked in with SG Comms.

Thanks,
[redacted]

"NRS continues to publish a range of information on COVID related mortality, including where the location of death is a care home.

“Our statistical analysis provides valuable information on characteristics of the deceased as well as presentation at Health Board and Local Authority level. Following review by the Scottish Information Commissioner of a Fol request to release data on individual Care Homes, NRS will make this data available in line with the original Fol request and the timeframe set out by the SIC”.

[redacted]

