

Annex A – FOI 202100244601

From: MacAllister I (Iain)

Sent: 11 June 2021 11:26

To: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>;

Minister for Mental Wellbeing & Social Care <MinisterMWSC@gov.scot>

Cc: First Minister <firstminister@gov.scot>; DG Health & Social Care

<DGHSC@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>;

Connaghan J (John) (Health) <John.Connaghan2@gov.scot>; Health and Social

Care Directors <DLHSCPHSCD@gov.scot>; First Minister Covid Briefing Unit

<FMcovidbriefingunit@gov.scot>; [Redacted]; [Redacted]; [Redacted]; [Redacted];

[Redacted]; Head of HSCA <HeadofHSCA@gov.scot>; [Redacted]; [Redacted];

[Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]

Subject: RE: Urgent - release of discharge into care home data - 11 June

[Redacted],

As this is a Freedom of Information request by the BBC it is standard practice that we only receive access to the information being released 1-2 days prior to the requestor receiving it. We have made PHS aware that we'd have expected to know about the planned release of this information prior to Wednesday, even if we were unable to access the information itself. For statistical publications we receive 5-day pre-release under national statistical protocols but FOI do not fall under that category.

PHS has now reviewed disclosure controls within the spreadsheet so I'm attaching the information being released to the BBC. Please treat this as management information and do not circulate further.

Thanks,

Iain.

From: [Redacted]

Sent: 11 June 2021 09:34

To: MacAllister I (Iain) <Iain.MacAllister@gov.scot>; [Redacted]; [Redacted]

Cc: [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted];

[Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted];

[Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted];

[Redacted]

Subject: RE: Urgent - release of discharge into care home data - 11 June

Iain,

[Redacted] has considered the attached submission and has asked why did we get such late notice of this from PHS? [Redacted]

[Redacted].

Thanks,

[Redacted]

From: MacAllister I (Iain) <Iain.MacAllister@gov.scot>
Sent: 10 June 2021 17:44
To: Minister for Mental Wellbeing & Social Care <MinisterMWSC@gov.scot>;
Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Cc: First Minister <firstminister@gov.scot>; DG Health & Social Care
<DGHSC@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>;
Connaghan J (John) (Health) <John.Connaghan2@gov.scot>; Health and Social
Care Directors <DLHSCPHSCD@gov.scot>; First Minister Covid Briefing Unit
<FMcovidbriefingunit@gov.scot>; [Redacted]; [Redacted]; [Redacted]; [Redacted];
[Redacted]; Head of HSCA <HeadofHSCA@gov.scot>; [Redacted]; [Redacted];
[Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]
Subject: Urgent - release of discharge into care home data - 11 June

Minister for Mental Wellbeing and Social Care
Cabinet Secretary for Health and Social Care

Please find attached an urgent submission on Public Health Scotland's intention to release to the BBC tomorrow data on the number of discharges by individual care home between 1 March and 31 May 2020. This includes data at care home level on: a) the number of discharges; b) the number of discharges by testing status (whether tested or not); c) the number of discharges associated with a positive and no subsequent negative test prior to discharge.

We will provide the spreadsheet being released once PHS address a number of disclosure control issues.

Iain.

Iain MacAllister
Deputy Director: Governance, Evidence and Finance Division
Directorate for Mental Health and Social Care
Scottish Government
Tel: [Redacted]

[Redacted]

Mr Stewart has noted.

[Redacted]

From: [Redacted]
Sent: 27 September 2021 09:13
To: Minister for Mental Wellbeing & Social Care <MinisterMWSC@gov.scot>;
Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Cc: First Minister <firstminister@gov.scot>; First Minister Covid Briefing Unit <FMcovidbriefingunit@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; [Redacted]; Bell D (Donna) <Donna.Bell@gov.scot>; Burns J (John) <John.Burns@gov.scot>; Cameron J (Jonathan) <Jonathan.Cameron@gov.scot>; Chief Medical Officer <CMO@gov.scot>; Chief Nursing Officer <CNO@gov.scot>; Covid-19 Director <covid-19.director@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Director of Covid Co-ordination <DirectorofCovidCoordination@gov.scot>; Director of Health Workforce <Directorofhealthworkforce@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Gallagher S (Stephen) <Stephen.Gallagher@gov.scot>; Lamb C (Caroline) <Caroline.Lamb@gov.scot>; Leitch J (Jason) <Jason.Leitch@gov.scot>; McCallum R (Richard) <Richard.McCallum@gov.scot>; McDonnell T (Tim) <Tim.Mcdonnell@gov.scot>; McLaughlin C (Christine) <Christine.McLaughlin@gov.scot>; Pollock LA (Linda) <Linda.Pollock@gov.scot>; Smith G (Gregor) <Gregor.Smith@gov.scot>; MacAllister I (Iain) <Iain.MacAllister@gov.scot>; [Redacted]; [Redacted]; [Redacted]; [Redacted]; Head of HSCA <HeadofHSCA@gov.scot>; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]

Subject: RE: Submission: Urgent - release of discharge into care home data - 28 September

Apologies – now with attachment.

[Redacted]

From: [Redacted]

Sent: 27 September 2021 09:12

To: Minister for Mental Wellbeing & Social Care <MinisterMWSC@gov.scot>; Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>

Cc: First Minister <firstminister@gov.scot>; First Minister Covid Briefing Unit <FMcovidbriefingunit@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; [Redacted]; Bell D (Donna) <Donna.Bell@gov.scot>; Burns J (John) <John.Burns@gov.scot>; Cameron J (Jonathan) <Jonathan.Cameron@gov.scot>; Chief Medical Officer <CMO@gov.scot>; Chief Nursing Officer <CNO@gov.scot>; Covid-19 Director <covid-19.director@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Director of Covid Co-ordination <DirectorofCovidCoordination@gov.scot>; Director of Health Workforce <directorofhealthworkforce@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Gallagher S (Stephen) <Stephen.Gallagher@gov.scot>; Lamb C (Caroline) <Caroline.Lamb@gov.scot>; Leitch J (Jason) <Jason.Leitch@gov.scot>; McCallum R (Richard) <Richard.McCallum@gov.scot>; McDonnell T (Tim) <Tim.Mcdonnell@gov.scot>; McLaughlin C (Christine) <Christine.McLaughlin@gov.scot>; Pollock LA (Linda) <Linda.Pollock@gov.scot>; Smith G (Gregor) <Gregor.Smith@gov.scot>; MacAllister I (Iain) <Iain.MacAllister@gov.scot>; [Redacted]; [Redacted]; [Redacted]; [Redacted]; Head of HSCA <HeadofHSCA@gov.scot>; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]

Subject: Submission: Urgent - release of discharge into care home data - 28 September

Minister for Mental Wellbeing and Social Care
Cabinet Secretary for Health and Social Care

Please find attached an urgent submission.

Public Health Scotland have made us aware that they'll be releasing further more granular data to the requestor (BBC) on Tuesday 28 September on the number of discharges by individual care home between 1 March and 31 May 2020.

Kind regards,
[Redacted]

[Redacted]
[Redacted]
m: [Redacted]

Agree with [Redacted] on lines and agree with your view on the bid [Redacted].
Thanks
[Redacted]

From: [Redacted]
Sent: 29 September 2021 18:11
To: [Redacted]
Cc: Communications Health & Social Care
<CommunicationsHealth&SocialCare@gov.scot>; [Redacted] [Redacted]; News Desk <Newsdesk@gov.scot>; [Redacted]; MacAllister I (Iain) <Iain.MacAllister@gov.scot>; Bell D (Donna) <Donna.Bell@gov.scot>; [Redacted]; [Redacted]; [Redacted]; [Redacted][Redacted]; Head of HSCA <HeadofHSCA@gov.scot>; MacAllister I (Iain) <Iain.MacAllister@gov.scot>; [Redacted]; [Redacted]
Subject: RE: BBC Enquiry: Hospital discharges to care homes: BBC - FOI decision - reactive lines

Thanks [Redacted], that's great. Do you have a view on the bid that I can pass on to Spads, also?

[Redacted]

From: [Redacted]
Sent: 29 September 2021 18:10
To: [Redacted]
Cc: Communications Health & Social Care
<CommunicationsHealth&SocialCare@gov.scot>; [Redacted][Redacted]; News

Desk <Newsdesk@gov.scot>; [Redacted]; MacAllister I (Iain)
<Iain.MacAllister@gov.scot>; Bell D (Donna) <Donna.Bell@gov.scot>; [Redacted];
[Redacted]; [Redacted]; [Redacted]; [Redacted][Redacted]; Head of HSCA
<HeadofHSCA@gov.scot>; MacAllister I (Iain) <Iain.MacAllister@gov.scot>;
[Redacted]; [Redacted]
Subject: RE: BBC Enquiry: Hospital discharges to care homes: BBC - FOI decision -
reactive lines

Hi [Redacted]
Sorry for the delay.

I think these lines still stand. It would be helpful to also include the suggested line
below [Redacted]

Thanks

[Redacted]

Pandemic Response - Adult Social Care
Directorate for Social Care and Mental Health
[Redacted]

I am currently working from home and can be contacted on [Redacted]

From: [Redacted]
Sent: 29 September 2021 17:59
To: [Redacted]
Cc: Communications Health & Social Care
<CommunicationsHealth&SocialCare@gov.scot>; [Redacted][Redacted]; News
Desk <Newsdesk@gov.scot>; [Redacted]; MacAllister I (Iain)
<Iain.MacAllister@gov.scot>; Bell D (Donna) <Donna.Bell@gov.scot>; [Redacted];
[Redacted]; [Redacted]; [Redacted]; [Redacted][Redacted]; Head of HSCA
<HeadofHSCA@gov.scot>
Subject: RE: BBC Enquiry: Hospital discharges to care homes: BBC - FOI decision -
reactive lines

Hello [Redacted],

Would you be happy for me to put this to Spads to check they are still happy with the
lines cleared last night?

[Redacted]

thanks,
[Redacted]

From: [Redacted]

Sent: 29 September 2021 16:20

To: [Redacted]; MacAllister I (Iain) <Iain.MacAllister@gov.scot>; Bell D (Donna) <Donna.Bell@gov.scot>; [Redacted]; [Redacted]; [Redacted]; [Redacted];

[Redacted]; [Redacted][Redacted]; Head of HSCA <HeadofHSCA@gov.scot>

Cc: Communications Health & Social Care

<CommunicationsHealth&SocialCare@gov.scot>; [Redacted][Redacted]; News

Desk <Newsdesk@gov.scot>

Subject: RE: BBC Enquiry: Hospital discharges to care homes: BBC - FOI decision - reactive lines

[Redacted],

We'll look at the data points to check BBC haven't misunderstood or misconstrued anything, however I expect they are probably ok as the data are not complicated.

It is good to know they are not going to try and link to outbreaks and deaths – think that would be very challenging to do and could not be done comprehensively, across various time periods.

Policy leads will want to consider too but [Redacted] However these points are already fairly neatly summarised in the existing lines.

- [Redacted]
- [Redacted]

If we need to say anything on this bit:

- [Redacted]

[Redacted]

From: [Redacted]

Sent: 29 September 2021 15:34

To: [Redacted]; MacAllister I (Iain) <Iain.MacAllister@gov.scot>; Bell D (Donna) <Donna.Bell@gov.scot>; [Redacted]; [Redacted]; [Redacted]; [Redacted];

[Redacted]; [Redacted][Redacted]; Head of HSCA <HeadofHSCA@gov.scot>

Cc: Communications Health & Social Care

<CommunicationsHealth&SocialCare@gov.scot>; [Redacted][Redacted]; News

Desk <Newsdesk@gov.scot>

Subject: RE: BBC Enquiry: Hospital discharges to care homes: BBC - FOI decision - reactive lines

Hello all,

Removing ministers and spads from the copylist, below are the lines cleared on this by the Cab Sec last night.

We have now had an enquiry in from the BBC with a number of questions around this data. See query below.

I'd be grateful if policy officials could advise on whether we need to update the lines, given the specific questioning and the approach being taken by the reporter. I suspect we will want to stick with our agreed lines?

[Redacted]

Regards,

[Redacted]

From: [Redacted]

Sent: 29 September 2021 15:26

To: [Redacted]

Subject: FW: Media request: Care home discharge data

Hi [Redacted], I am working with [Redacted] on this story. Further to his email below I would like to put in a request for a broadcast interview with the Health Secretary addressing some of the points [Redacted] raised below. Ideally this would be done tomorrow for broadcast on Friday. Please could you let me know if this would be possible?

Many thanks,

[Redacted]

From: [Redacted]

Sent: 29 September 2021 11:43

To: [Redacted]

Subject: Media request: Care home discharge data

Importance: High

Hi [Redacted],

As discussed on the phone, I'm working on a BBC story about where hospital patients were discharged to in the first few months of the coronavirus pandemic. During this period the government's policy was to discharge patients – many of whom were untested – into care homes to ensure there were enough beds for people suffering from Covid-19.

The data was finally released to me after 11 months following a successful appeal to the Scottish Info Commissioner – you can view the decision notice here:

<http://www.itspublicknowledge.info/ApplicationsandDecisions/Decisions/2021/20210006.aspx>

The data covers all discharges by care home between 1 [Redacted]h and 31 May 2020 – namely the period covered by the PHS report

([https://publichealthscotland.scot/media/7313/2021-04-21-discharges-from-nhsscotland-hospitals-to-care-homes-between-1-\[Redacted\]h-and-31-may-2020.pdf](https://publichealthscotland.scot/media/7313/2021-04-21-discharges-from-nhsscotland-hospitals-to-care-homes-between-1-[Redacted]h-and-31-may-2020.pdf)). The data also shows where untested patients were discharged to between 1 [Redacted]h and 21 April 2020 – namely before government policy around testing changed.

While the data cannot be used to link discharges to outbreaks or deaths in homes, it arguably indicates the risk some homes were put at early on in the pandemic.

Some of the things the data shows:

- the 843 homes to which discharged patients were sent to between [Redacted]h and May 2020. This includes which homes took in untested patients in the first six weeks, and the 75 homes that took in at least 1 positive patient.
- There were nearly 200 homes where over half of incoming residents were untested prior to their discharge
 - Re: specific homes
 - o The most discharges were to Chester Park Care Home (46) - at least 41% of these were untested, which equates to over half of the beds in the home
 - o Rutherglen had the most untested discharges (28) - that's 70% of all the 40 discharges to the home
 - o Drummond Grange took in 5 discharged patients who had tested positive (and didn't have a subsequent negative test before their discharge). This means 21% of all discharges (23) to the home were positive

I would appreciate a comment that addresses the following:

- What does this new data mean for the pending inquiry?
- Will the government review the data to inform future policy decisions around discharges to care homes during the pandemic?
- To what extent does this data further highlight the government's early discharge policy was "a mistake" (<https://www.bbc.co.uk/news/uk-scotland-56791600>)?
- To what extent does the government think this data shows the risk people were put at in the care homes (both residents and care home staff)?
- What are your thoughts on the fact that PHS delayed release of this data for 11 months following a successful appeal to the Info Commissioner?
- The decision to make testing mandatory was made a week later than in England (<https://www.bbc.co.uk/news/52674073>). Why was this, when it seemed the policy was flawed?
- Why has the Scottish government not yet set a date for an independent inquiry into the impact of the pandemic on the care home sector (<https://www.bbc.co.uk/news/uk-scotland-scotland-politics-58318778>)?

I'd appreciate a response no later than noon tomorrow (Thursday). You can reach me on [Redacted] if there are any questions.

Thanks in advance,

[Redacted]

Existing cleared lines:

A Scottish Government spokesperson said:

“We mourn every death from COVID-19 and express our sympathy for all those who have lost loved ones, and for the distress and grief experienced by individuals and their families.

“These figures formed part of the Public Health Scotland analysis on discharges to care homes that was published in October 2020 and updated in April 2021. That found care home size is very strongly related to outbreaks and concluded there was no clear statistical evidence that hospital discharges were associated with care home outbreaks. These latest figures do not change that conclusion.

“The Scottish Government will establish an independently-led COVID-19 Scottish public inquiry by the end of this year to scrutinise decisions taken in the course of this pandemic, including the impact on care homes and their residents, and to learn lessons for future pandemics.

“We are currently inviting views on the draft aims and principles of the inquiry, which will shape the terms of reference.

“We will continue to listen to those affected by COVID-19, including bereaved families, on what they wish the public inquiry to focus on.”

[Redacted]
[Redacted]
Tel: [Redacted]
Mob: [Redacted]