

Freedom of Information Act 2000

The Royal Cornwall Hospitals NHS Trust Response to Information request

Date Request Received: 27th May 2025

FOI Ref No 28981

Requested Information:

- 1) Please can you clarify the difference was between 'concern' and 'formal complaint'?
- 2) Who decides whether a concern constitutes a formal complaint?
- 3) Who dealt with the 'concern' in 2020? Was it made to the Patients Experience Team?
- 4) Who conducted the investigations in 2020?
- 5) There was only a four month gap between the two investigations in 2020. Why were there two separate investigations in 2020?
- 6) If a patient/parent raises a concern, what is the process at your trust for handling it? Do they know if the issue they raised is being handles as a concern of it they need to follow a different process to have it handled as a complaint?
- 7) Can you provide me with information about the concern raised by luliu Stan in 2020, terms of the investigation and outcome/findings. This should be possible because you can remove patient and staff details.
- 8) Please also tell me if the investigations were documented, if reports were written and length of pages of each report.
- 9) Was the Chief Exec made aware of the 2020 investigations?
- 10) Please confirm the date that Dr Stan was dismissed from employment.

Response:

1) Please can you clarify the difference was between 'concern' and 'formal complaint'?

Under the Trust's Complaints & Concerns Policy (in effect from March 2018 – June 2020), the definitions of a concern and a formal complaint are

Concern: A concern is used to describe issues that can be resolved by the ward or department manager within 24 hours.

Formal Complaint: A formal complaint is one that requires an investigation and enters the formal, regulated, complaints process.

2) Who decides whether a concern constitutes a formal complaint?

The decision is mutual and dependent on several factors such as the nature of the issue underpinning the concern and whether the patient is satisfied that their concern has been answered.

3) Who dealt with the 'concern' in 2020? Was it made to the Patients Experience Team?

The concerns raised by the parent of a patient were dealt with on the ward by the clinical staff when it was raised with them.

Additionally, a staff member reported the incident on the Trust's Datix incident reporting system and this was escalated to the Executive Team for incident grading. This led to the Medical Director's Office commissioning a fact-finding investigation which took place between March – May 2020.

4) Who conducted the investigations in 2020?

Both investigations were conducted under the Trust's "Maintaining High Professional Standards in the Modern NHS Policy"

March – May 2020: the fact-finding investigation into the specific medication event in March 2020 was conducted by:

- the Interim Head of People Partnering, recruitment and Medical Staffing
- the Clinical Director for Urgent, Emergency and Trauma Care

September – November 2020: the Investigation into a failure to Maintain High Professional Standards (MHPS) was conducted by:

- the Clinical Director of Obstetrics & Gynaecology
- Human Resources People Partner

5) There was only a four-month gap between the two investigations in 2020. Why were there two separate investigations in 2020?

This information is already in the public domain. We refer you to the Record of Determinations – Medical Practitioners Tribunal Judgment which reviewed the actions of Dr Stan. In particular, we refer you to paragraphs 4-6 of its Judgment which explains:

“The referral to the GMC was further to a local investigation conducted by the Trust which arose from concerns raised after Dr Stan gave rectal voltarol to a child shortly after the child had been given oral medication. In addition the child's father was concerned about the length of time it had taken to give the suppository. Dr Stan was subsequently given a letter and had a face-to-face conversation with Mr A in which it

is alleged he was told to familiarise himself with the Trust Chaperone Policy and that he should seek the support of nursing staff in the routine administration of analgesia or other medication to adults and children.

In August 2020 further concerns were raised as Dr Stan had again prescribed and administered personally, rectal medication to children. This led to an investigation by the Trust which was given evidence that Dr Stan, over the previous 5 years, had prescribed and administered rectal medication personally on over 200 occasions and sometimes multiple times to the same patient. It was noted he only administered this medication to male patients and was failing to follow the chaperone policy.

The investigation also established that Dr Stan administered PR medication to 3 children in 2020 and that he did not read the letter from Mr A nor did he read the chaperone policy. The report also Dr Stan administered further PR medication after he was given the letter from Mr A that there was a clear pattern of prescribing and administering PR medication to males under the age of 40 and that Dr Stan had not been working in line with the Trust's chaperone policy".

- 6) If a patient/parent raises a concern, what is the process at your Trust for handling it? Do they know if the issue they raised is being handled as a concern or if they need to follow a different process to have it handled as a complaint?**

Under the Trust's Complaints & Concerns Policy (in effect from March 2018 – June 2020), if staff could manage the concern to the person's satisfaction within 24 hours, the concern would be resolved.

If this could not be achieved, staff would advise the patient on their options and provide the Trust's complaint leaflet. The matter would then be forwarded to the Patient Experience Team to be managed as an informal or formal complaint, depending on the nature of the issue and/or as requested by the person concerned.

From June 2020, the Trust introduced an updated Complaints Policy requiring all complaints about treatment to be considered by the Patient Experience Team.

- 7) Can you provide me with information about the concern raised by Iuliu Stan in 2020, terms of the investigation and outcome/findings. This should be possible because you can remove patient and staff details.**

We refer you to the Record of Determinations – Medical Practitioners Tribunal and to paragraphs 4-6 of its Judgment reproduced above which summarises both the concern, and what the outcome of the investigation was. The Trust considers it is disproportionate and unnecessary to provide further information by way of provision

of redacted documentation. Compliance with the request would exceed the limits under s.12 of FOIA 2000.

8) Please also tell me if the investigations were documented, if reports were written and length of pages of each report.

The investigations were documented and reports were written.

Fact finding Investigation report.

- May 2020 – 9 pages with 8 appendices

Investigation into a failure to Maintain High Professional Standards

- Nov 2020 – 20 pages with 15 appendices

9) Was the Chief Exec made aware of the 2020 investigations?

Yes

10) Please confirm the date that Dr Stan was dismissed from employment?

Dr Stan was summarily dismissed from his employment with immediate effect following a disciplinary hearing on 2nd March 2021. He had been formally excluded from the workplace prior to such dismissal, his last clinical shift being 6th September 2020. Allowing for the 14 day right of appeal against the summary dismissal decision (which right was not exercised) Dr Stan's employment was formally terminated on 16 March 2021.

Attachment(s):

No Attachment(s)

Date Response sent: 5th June 2025