

Witness Name: Andrew Hines

Statement No.: WITN4195002

Exhibits: WITN4195003 -

WITN4195012

Dated: 16th January 2023

INFECTED BLOOD INQUIRY

SECOND WRITTEN STATEMENT OF ANDREW HINES, ON BEHALF OF BARTS HEALTH NHS TRUST

I provide this statement in response to a request from GRO-D from the Infected Blood Inquiry team for the production of documents and information under Rule 9(2) of the Inquiry Rules 2006 dated 24 August 2022.

I, Andrew Hines, will say as follows: -

Section 1: Introduction

- 1.1 I, Andrew Hines, Group Director of Corporate Development have executive responsibility for the Information Governance Team and make this statement based on information provided to me by the Corporate Records Managers, Health Records Team and the Archives Team.
- 1.2 I confirm that a reasonable and proportionate search for any documents relevant to this matter, that may be under the control of the Trust, has been carried out. The search has been undertaken at the Trust's premises.

Section 2: Response to Questions

1. What policies, if any, relating to the destruction or retention of medical records did Barts Health NHS Trust, or the individual hospitals that now make up the Trust, have in place during the time period 1980-present? Please supply copies of any such policies.

2.1 COR_POL_063_2022_001 Records Retention and Disposal Policy and corresponding retention schedule are attached at WITN4195003 and WITN4195004. Also attached are previous policies and guidelines (some pre-dating Barts Health NHS Trust):

- WITN4195005 - 01601 - Barts and The London - Retention and Disposal of Trust Records
- WITN4195006 - 01606 - Barts and the London - Retention and Disposal of Trust Records
- WITN4195007 - 063-2012-002 Records Retention and Disposal – FINAL
- WITN4195008 - Health Records Management Policy
- WITN4195009 - The Royal Hospitals - Retention and Disposal of Trust Records
- WITN4195010 - COR_POL_063_2019_001 Records Retention and Disposal
- WITN4195011 - Records Retention and Disposal 2018 Policy draft v6

2.2 These policies were located on the departmental shared drive.

2. What policies, if any, relating to the destruction or retention of medical records were in place during the dissolution of Barts and The London NHS Trust, Newham University Hospital NHS Trust, and Whipps Cross University Hospital NHS Trust and their entry into Barts Health NHS Trust? Please supply copies of any such policies and describe how they were implemented.

2.3 063-2012-002 Records Retention and Disposal - FINAL (November 2012) may have been in place during the merger. This policy would have been implemented across all hospital sites.

3. Were there any archives which backed up records which were subsequently destroyed, for example on microfiche or elsewhere? If so, please outline:

- i. The nature of records held in these archives;*
- ii. To which period the records kept refer to (for example patient admissions dated X-Y); and*
- iii. The projected time frame to maintain these archives.*

2.4 In order to answer this question, we would like to provide some background on the archives held by Barts Health NHS Trust and the archival function of the service. Barts Health NHS Trust Archives (hereafter referred to as Barts Health Archives), part of Corporate Development, is the Trust function responsible for maintaining the Trust's archive collections. It should be noted that in this context the term 'archives' is used to signify those records deemed appropriate for permanent retention. Barts Health Archives is a separate function to other functions with recordkeeping responsibilities at the Trust (e.g. Medical Records or Corporate Records Management).

2.5 Barts Health Archives are accredited by the National Archives and has Place of Deposit status, which means they are appointed to hold specific record classes in agreement with their parent authority under Section 4 (1) of the Public Records Act (1958).

2.6 Records are ingested into the collection via internal transfer (from other Trust functions) or via donation from external parties. Decisions to accept records are made in accordance with guidance contained in the Trust's Retention Schedule and in accordance with the collecting scope of the archive service (expressed in the service's Collections Development Policy at WITN4195012). Records are subject to appraisal by the archives team which consists of two professionally-qualified archivists, and records not accepted for transfer are destroyed confidentially in line with the retention schedule. Archival appraisal concentrates on the historical value of a record, any value for business purposes having been superseded when the collection was deposited in the archives. Historical value is assessed in two broad terms: evidential value (the

way the record documents the history, structure and functions of an organisation), and informational value, or value in providing research material on persons, places and subjects.

- 2.7 The projected time frame to maintain the archive records held by Barts Health NHS Trust Archives is permanently, or in perpetuity. The nature of these records ranges widely, but records selected for permanent preservation in the archives are primarily those reflecting the corporate functions and institutional memory of the Trust and its predecessors rather than decision-making or procedural activity of individual departments. Barts Health Archives does not routinely collect patient case notes for any of the hospitals for which we hold records, post-1948. Case notes are retained within the Trust's Medical Records department for the period stipulated by law and then confidentially destroyed (depending on the nature of the last clinical contact this can be anywhere from 8 to 25 years). This is in line with the NHS Records Management Code of Practice 2021 (and previous such guidelines), and the Trust's own policy on Records Retention and Disposal. The archives do retain some patient registers containing high-level rather than detailed information, such as registers of births, deaths, and admissions.
- 2.8 Records that are accepted into the collection are accessioned and then catalogued to ensure their provenance is fully understood and to enable them to be retrieved and made accessible. The catalogue has a front-end that can be accessed online at: <http://www.calmhosting01.com/BartsHealth/CalmView/>.
- 2.9 Records are made available for public inspection in a supervised searchroom environment. Records are 'open' by default but closure periods or restrictions on access are applied where access would contravene the law (for instance where access would breach the Data Protection Act/GDPR 2018).
- 2.10 The catalogue has been searched by both archives staff and individuals working for the Infected Blood Enquiry for records relevant to the enquiry; researchers for the IBI enquiry have visited the archives to review records, and copies of some items have been provided on request. The lists we hold of

currently uncatalogued material have also been searched by archives staff for potentially relevant records.

2.11 The Barts Health Archives team is not aware of any other collections, groupings, or 'archives or copied or backed-up records which were subsequently destroyed which are held outside the Barts Health Archives collections.

3. How often were the relevant practices reviewed and who was responsible for reviewing and updating the policies in place?

2.12 It is unknown how often the practices were reviewed up until 2012. Since 2012 the policies have been for review every three years, unless a new NHS Records Management Code of Practice is published. The Corporate Records Manager is responsible for reviewing and updating the Records Retention and Disposal Policy.

4. To the best of your knowledge, were any records disturbed, misplaced or destroyed because of an incident that occurred to the storage environment, for example, fire, flooding or otherwise unforeseen events. If so, were the policies/guidelines governing storage of medical records subject to review following any such incidents so as to prevent any future recurrences?

2.13 No.

5. In relation to changes, updates and improvements of the Trust's policies over the time period, please explain to the best of your knowledge what these were driven by, for example any Government guidance provided.

2.14 The policies are updated to ensure that adequate records are maintained, managed and controlled effectively in line with legal, statutory and operational standards and requirements. The policies are based on NHS records management codes of practice and equivalent guidelines and

recommendations. Retention periods are extended where necessary in relation to public inquiries.

Section 3: Other

Please provide any further comments that you wish to add on these matters.

3.1 I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed _____ GRO-C _____

Dated 16/1/2023

Table of exhibits:

Date	Notes/ Description	Exhibit number
07/03/2022	COR_POL_063_2022_001 Records Retention and Disposal Policy	WITN4195003
Undated	COR_POL_063_2022_001 Retention Schedule	WITN4195004
23/01/2001	01601 - Barts and The London - Retention and Disposal of Trust Records	WITN4195005

01/07/2006	01606 - Barts and the London - Retention and Disposal of Trust Records	WITN4195006
29/11/2012	063-2012-002 Records Retention and Disposal – FINAL	WITN4195007
15/05/2014	Health Records Management Policy	WITN4195008
01/04/1996	The Royal Hospitals - Retention and Disposal of Trust Records	WITN4195009
19/12/2019	COR_POL_063_2019_001 Records Retention and Disposal	WITN4195010
Undated	Records Retention and Disposal 2018 Policy draft v6	WITN4195011
01/11/2021	Collections Development Policy	WITN4195012