

Department of Health and Social Care,
39 Victoria Street,
London, SW1H 0EU

FreedomofInformation@dhsc.gov.uk

20 January 2021

Dear Sir or Madam,

Freedom of Information request – reference FOI-1283839

The deadline of 20 working days has expired since I sent you a request for the following reports:

Pandemic Influenza Briefing paper – NHS Surge and Triage (completed December 2017)
Pandemic Influenza Briefing paper – Adult social care and community healthcare

I respectfully remind you that my legal team at Leigh Day Law sent you a previous FOI request for “the reports that were prepared as part of the Cygnus Exercise” on 21 May 2020. The Department of Health delayed a decision for several months while it weighed up the public interest. Finally the Information Commissioner’s Office intervened, and on 20 October the Health Secretary disclosed a PHE report on Exercise Cygnus to Parliament, followed by an apology on 27 October 2020 for the extended delay.

The PHE report gave almost no information on NHS service provision during a pandemic and therefore represented an incomplete report on Exercise Cygnus, disclosed 101 working days after our previous FOI request. On 18 December, the Telegraph published a document disclosed by NHS England which referred to the NHS reports following Exercise Cygnus and are the subject of the present FOI request.

I am making this request as an NHS doctor working in a hospital which is dealing with an enormous surge in seriously sick patients with COVID-19. It is very difficult for doctors to make complex ethical decisions on allocation of scarce resources without national guidance, and it damages our response to COVID-19 if small groups of doctors have to draw up ad hoc guidelines (1) in the absence of national leadership. Senior NHS doctors with no obvious political affiliation (2) and the Nuffield Council on Bioethics (3) have called for national guidance on pandemic surge and triage.

We know that NHS England submitted two important pandemic briefing papers to the Chief Medical Officer over 3 years ago, dealing with how the NHS would make decisions about resource allocation in an overwhelming pandemic. PHE recorded 1820 British deaths today, and I invite the Health Secretary to act urgently in the public interest and expedite disclosure of these documents, rather than force a lengthy legal process during a period of accelerating mortality. I will make a formal complaint to the Information Commissioner’s Office if you do not provide me a reasoned decision on disclosure by 5pm tomorrow.

Yours faithfully,

M. 

Dr Moosa Qureshi

(1) <https://jme.bmj.com/content/medethics/early/2020/11/20/medethics-2020-106771.full.pdf>

(2) <https://www.independent.co.uk/news/health/coronavirus-hospitals-nhs-rationing-ethics-b1787310.html>

(3) <https://www.nuffieldbioethics.org/news/statement-the-need-for-national-guidance-on-resource-allocation-decisions-in-the-covid-19-pandemic>