

Information Governance

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8 March 2022

Our reference: FOI DA3830

I am responding to your request for information received 4 June 2021. I am sorry for the delay in responding to your request. This has been treated as a request under the Freedom of Information Act 2000.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,



Keshia Harvey
Information Governance Manager

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Web: www.ico.org.uk

Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention

Chair: Mark Lam

Chief Executive: Paul Calaminus

We care

We respect

We are inclusive

Request:

Question 1: Number of people receiving vaccinations in the Westfield, Stratford vaccination centre since it opened.

Answer: Total number of people receiving vaccinations at the Westfield Vaccination Centre until December 5, 2021 was 168,337. Please note this figure does not include any pop up sites or numbers vaccinated via the school vaccination programme.

Question 2: Number of adverse reactions following vaccination (if any)

Answer: Section 1(1) of the Freedom of Information Act 2000 states:

Any person making a request for information to a public authority is entitled—

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.

This information is not recorded by the trust and cannot therefore be provided.

Question 3: Please advise if ALL of the adverse reactions (if any) have been reported to the government's Yellow Card scheme.

Answer: Section 1(1) of the Freedom of Information Act 2000 states:

Any person making a request for information to a public authority is entitled—

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.

This information is not recorded by the trust and cannot therefore be provided.

Question 4: Please advise if attendees for vaccination are being informed about the Yellow Card scheme where they can report adverse events?

Answer: Yes patients are given the Package leaflet for Comirnaty.

Question 5: With regard to staff working for ELFT please clarify:

Are staff being fully informed who is liable for an adverse reaction following vaccination now or in the future (because the companies who developed vaccines have no liability)?

Answer: Section 1(1) of the Freedom of Information Act 2000 states:

Any person making a request for information to a public authority is entitled—

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.

The Trust has not been advised that the companies who developed vaccines have no liability and is therefore unable to respond as it does not hold this information.

Question 6: It is my understanding that staff will need written confirmation that they “need to take the vaccine for work” in order for the Trust to be liable for any adverse event now or in the future. Is this correct?

Clarification:

There has not been a lot a clarification about where liability will sit regarding adverse events should a member of staff experience this. The manufacturers are absolved of any liability and the NHS in general are driving vaccination of staff.

Seeking professional advice, I understand that the Trust could tell staff they are not liable because the staff member had the vaccine, seemingly of their own volition.

However, is important to note that there has been a lot of coercive language used since the vaccines were released and in many cases the language has not been presented fairly with indication the vaccine is not mandatory but in fact the organisation has consistently said “you need to take the vaccine”. This would be considered as coercion as many people could feel pressured to do so being in fear of the possibility of losing their jobs when they are not provided with information that is balanced.

With this in mind, can the Trust confirm that it has always provided all staff with the information that they have a choice to decide not to take it? Has any support been organised by the Trust for possible adverse injury such as a written confirmation that they “need to take the vaccine” so that the liability will be with the Trust?

Have the staff been advised where the liability will be placed should they experience an adverse reaction now or in the future?

Answer: Section 1(1) of the Freedom of Information Act 2000 states:

Any person making a request for information to a public authority is entitled—

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.

In response to the point that staff will need written confirmation that they ‘need to take the vaccine for work’ in order for the Trust to be liable for any adverse event now or in the future, the Trust is unable to respond as this information is not held and has not been communicated to staff. Similarly it is unable to respond to the other questions raised regarding liability as this information is not held.

Question 7: If staff do need written confirmation that they “need to take vaccination for work” are staff being informed of this and the fact that the Trust will not be liable without it?

Answer: Please see response to question 6.

Question 8: With regard to home testing for c-19 please clarify:

It is my understanding that staff testing at home absolves the Trust of any liability should they be injured or face any kind of adverse events or ongoing problem that may result from testing. Is this correct?

Answer: The process is voluntary for staff who take responsibility to ensure they follow the process correctly and with care upon receiving the right training. Staff are encouraged to follow the manufacturer’s instructions in undertaking an LFD test. The training and information offered to staff is based on the manufacturer’s instructions. Please note there are three main providers of LFD tests and the instructions may differ slightly for each.

Question 9: My understanding that if staff were being tested on Trust sites that the Trust would then be liable for any injury, adverse events or ongoing problem that may arise from the testing. Is this correct?

Answer: Please see response to question 6.

Question 10: Please advise if the testing kit tool (looks like a cotton bud) that is used invasively is sterilised with ethylene oxide?

Answer: The lateral flow and PCR testing tool kits used are not invasive. All test kits used follow national regulatory measures.

Question 11: If yes, can the Trust please advise on the possible dangers of using these tests with ethylene oxide on a regular basis?

Answer: Not applicable.