

THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Mr Kevin Myers
Acting Chief Executive
Health and Safety Executive
Bootle Headquarters
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Telephone: 01772 536376

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6th January 2014

Dear Mr Myers,

DOCUMENTS AND EVIDENCE REQUIRED BY THE MORECAMBE BAY INVESTIGATION

The Chairman of the Morecambe Bay Investigation, Dr Bill Kirkup's letter of 17th October 2013 refers.

The Investigation is now collecting evidence in respect of its terms of reference.

This letter sets out the evidence required from the Health and Safety Executive (HSE). Further requests may be made at a later date.

The Investigation's Documents and Evidence Manager (DEM), Paul Roberts, or the Assistant Documents and Evidence Manager (ADEM) [REDACTED] will be your principle points of contact in relation to evidence management.

The Investigation would prefer to receive evidence electronically in one of the following formats:

- Searchable PDF
- Word
- Excel

Should this not be possible, please contact Paul or [REDACTED] to discuss alternative ways in which the evidence can be made available to the Investigation.

Management of evidence by the Investigation

The Investigation recognises that the HSE will be concerned to know how material it is being asked to provide to the Investigation will be managed. It will therefore be helpful for you to know that material sought by and supplied to the Morecambe Bay Investigation from interested organisations and the families of those involved will be viewed and accessed by Investigation staff and the Investigation Panel only.

All Investigation staff, including the Panel, will view the material via a secure internet based database to which access will be controlled by the Investigation's Documents and Evidence Management Team and all Investigation personnel, including Panel members, are required to sign and adhere to the terms of a confidentiality undertaking.

Material and/or documents supplied to the Investigation will be collected from, or derived from, official files that are the property of interested organisations and/or individuals and will be considered by the Investigation as "working papers".

Working papers will be either returned to the relevant interested organisation/family at the end of the Investigation or destroyed by the Investigation and a record of all document destruction will be retained.

The Investigation has applied to the Information Commissioner for Data Protection Act Registration and fully understands its responsibilities holding evidence supplied by interested organisations.

Material and/or documents supplied to and considered by the Investigation will not be provided or shown to any witness in advance of their attendance, by the Investigation. Witnesses will be advised in advance of their attendance what specific topics or areas the Panel wish to ask them about and which of the Investigations specific term(s) of reference they are being invited to provide evidence in respect of.

Should any witness wish to be reacquainted with any material and/or document(s) prior to attending the Investigation for an interview or to give evidence, they will be advised by the Investigation to liaise with their employer, or former employer, to make any necessary arrangements for them to undertake any such preparation.

I trust that being made aware at this early stage of the protocol the Investigation has adopted regarding document management, it will assist HSE in providing material as swiftly as possible.

The evidence required for the Investigation by HSE is set out at Annex A, and should be submitted to the Investigation **within 21 working days** of the date of this letter.

Once the evidence has been examined, the Chairman will decide who oral evidence should be heard from. Can I remind you that it would be helpful, even at this early stage, if you would advise your staff accordingly and if you would also make contact with any staff member who has retired or left your organisation. To ensure the smooth running of the Investigation it will be important to ensure we have up to date contact details for those who may be asked to give oral evidence.

If you have any further queries regarding the evidence being requested, please contact:

Paul Roberts: T: 01772 536401 E: paul.roberts@mbinvestigation.org

[REDACTED] T: 01772 536390 E: [REDACTED]@mbinvestigation.org

Yours sincerely,

OONAGH McINTOSH
SECRETARY TO THE INVESTIGATION

CC MARK DAWSON – HM PRINCIPAL INSPECTOR OF HEALTH AND SAFETY

Annex A

1. Evidence of each case referred to the HSE by the Cumbria Constabulary, and the rationale behind the decision to take or not take enforcement action against the Trust, individual Directors or individual members of staff. This should include letters, e-mail exchanges and notes of any telephone conversations between staff at the Trust, the Strategic Health Authority, the Department of Health, Cumbria Constabulary and the HSE. **The evidence you provide to the Morecambe Bay Investigation should not relate to any on-going police investigation.** It would be helpful to have details (anonymised if necessary) of any on-going HSE investigations at the Trust that fall within the period of the time the Investigation is considering.
2. Evidence of any case investigated by the HSE for which the evidence came from the HSE's own intelligence, during the period 1 January 2004 and 30 June 2013. This may include incidents that the Trust reported, or should have reported, that were classified as a serious untoward incident (SUI).
3. Evidence of any incident investigated by the HSE resulting from a RIDDOR report, that fall within the Investigation's terms of reference.
4. Evidence that the HSE's Health and Social Care Unit may have gathered from similar incidents across England, that fall with the Investigation's term of reference and which may contribute to lessons learnt.
5. Any other information you hold that the HSE considers may be relevant to the Investigation in fulfilling its terms of reference.