

From: Roberts, Paul
Sent: 20 January 2014 15:27
To: [REDACTED]@nhs.net
Cc: Correspondence MB; [REDACTED]
Subject: RE: Process Questions regarding the Morecambe Bay Investigation

Dear [REDACTED]
Thank you for your email of the 20th January containing queries relating to the Morecambe Bay Investigation. Your email has been passed to me to respond.

I have answered each of your questions in the email below in BOLD BLUE text. If, after reading the responses, you still have queries, please do not hesitate to come back to me or to my colleague Jo Fenlon ([REDACTED]@mbinvestigation.org telephone 01772 536390).

I hope you find the responses helpful.

Regards,
Paul

Paul Roberts
Documents & Evidence Manager
Morecambe Bay Investigation
3rd Floor Park Hotel
East Cliff
Preston
PR1 3EA

T: 01772.536401

M: [REDACTED]

From: Correspondence MB
Sent: 20 January 2014 13:30
To: Roberts, Paul
Subject: FW: Process Questions regarding the Morecambe Bay Investigation

From: [REDACTED] (HEALTH EDUCATION ENGLAND) [mailto:[REDACTED]@nhs.net]
Sent: 19 January 2014 20:14
To: Correspondence MB
Cc: [REDACTED] (HEALTH EDUCATION ENGLAND)
Subject: Process Questions regarding the Morecambe Bay Investigation

Dear Mr Bacon,
I telephoned the Investigation Team on Friday morning with some general questions regarding the process for potential witnesses to gain access to documents to be used by the Investigation Panel and I was advised to drop you an email with the questions.

I am employed by Health Education England (HEE) and ,as you know, Ian Cumming , CEO HEE, was CEO at Morecambe Bay NHS Foundation Trust for part of the period that the Investigation Panel is studying. Ian has received a letter from the Trust on behalf of the

Investigation Panel and Ian is now wanting to understand the process and procedures going forward. Ian's sole motivation in trying to understand the next stage of the process is to ensure he is in a fully prepared position to enable him to comprehensively contribute to the Investigation Panel's proceedings.

I do realise that you must be incredibly busy at this stage of the Investigation so if it easier to have a telephone discussion regarding the questions below , then please phone me at your convenience :-

1) Are the planned Investigation Panel Meetings only open to the families and not to the public and not to potential witnesses or their non legal representatives? **The Panel meetings are not open to the public or potential witnesses. They are only open to relatives or their nominated representatives, when there attendance has been notified to the Investigation in advance.**

2) Do the Investigation Panel plan to publish the Minutes and/or Agenda enclosures of the Panel Meetings? **Not as such. The Panel meetings are advertised on The Morecambe Bay Investigation website (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271100/20140114PublicationPanelMeetings2014V.1.pdf) and agenda information will be posted prior to the meeting taking place. The intention is to place summaries of the meetings on the website.**

3) Will a schedule of all the documentary evidence and material available to the Investigation Panel be openly published and when will the schedule be available to witnesses? **For a variety of reasons this will not happen. Witnesses will need to contact previous employers to obtain copies of any relevant material as this will not be supplied by the Investigation.**

4) Will all witnesses get copies or access to all the documents or only those documents perceived to be relevant to a specific witness? **Witnesses should only need access to information relevant to their involvement.**

5) When will witnesses get access to these documents? **This will be a matter for the employer, previous employer or legacy body to determine when to release information to witnesses representing the relevant organisation. However, information should be provided in sufficient time to enable witnesses to familiarise themselves with the content of any available material.**

6) Is it correct to assume there is not a problem in obtaining specific documents from the Trust directly in order to refresh historic memories in preparation for the giving of oral evidence? **This process is that the Investigation would anticipate witnesses would obtain relevant information.**

7) Is a list of potential witnesses available to review given the passage of time presumably means that no one person or current Management Team has the full knowledge of the significant players or their roles going back a decade? **Until such time as the Chairman and Panel have had the opportunity to review the available evidence, no list of witnesses is available.**

8) Is it correct to assume that the Department of Health is the body that will have responsibility for archive material from now defunct bodies such as the commissioning PCTs and the North West SHA ? **Yes that's the correct.**

Thank you in anticipation and if it is easier to discuss these issues on the phone then please don't hesitate to call me at your convenience.

Regards

[REDACTED]
Communications Adviser
Health Education England

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THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Professor Jacky Hayden
Dean of Postgraduate Medical Studies
NHS North Western Deanery
Three Piccadilly Place
Manchester
M1 3BN

3rd Floor
Park Hotel
East Cliff
Preston
Lancashire
PR1 3EA

23 April 2014

Dear Professor Hayden,

DOCUMENTS AND EVIDENCE REQUIRED BY THE MORECAMBE BAY INVESTIGATION

You may be aware the Secretary of State for Health announced the terms of reference of the University Hospitals of Morecambe Bay NHS Foundation Trust (UHMBT) Maternity and Neonatal Services Investigation (the Morecambe Bay Investigation) on 12 September 2013. I have enclosed a copy of the terms of reference with this letter for your information.

Dr Bill Kirkup CBE was appointed as Chairman of the independent Investigation and is seeking the co-operation of you and your organisation.

The Investigation is collecting evidence in respect of its terms of reference and the Investigation's Panel of expert advisors are reviewing evidence received from a number of interested organisations. As a result of their work further requests for material are emerging and these include information that you can, hopefully, supply.

Following discussions with officials in the Department of Health, the Investigation has been advised that, for a period of time covered by the Investigation's terms of reference, NHS North Western Deanery was the body responsible for overseeing the training and clinical placement of junior doctors throughout the North West of England. I trust that you will confirm that this is correct?

Telephone: 01772 536376

Email: correspondence@mbinvestigation.org

Independent investigation into the management, delivery and outcomes of care provided by the Maternity and Neonatal services of University Hospitals of Morecambe Bay Trust from January 2004 – June 2013

If so the Investigation is seeking to obtain the material set out in the attached Annex. 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 NHS North Western Deanery 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 interviewee in advance of their attendance, by the Investigation. Interviewees 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 interviewee 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 will assist NHS North Western Deanery in providing material as swiftly as possible.

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

I anticipate that your organisation may hold evidence covering some of the period of time the Investigation is looking at. However, should that not be the case, I would be grateful if you could advise the Investigation where that evidence might be obtained.

Once the evidence has been examined, the Chairman will decide whether oral evidence is required. Whilst it is not possible to determine at this stage whether the Investigation will require to interview you, or any of your staff, it may 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, if necessary, the Investigation has 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 or would like an informal discussion, please contact:

Paul Roberts:

T: 01772 536401

E: paul.roberts@mbinvestigation.org

T: 01772 536390

E: [\[REDACTED\]@mbinvestigation.org](mailto:[REDACTED]@mbinvestigation.org)

Should this letter be forwarded to or addressed to another officer at NHS North Western Deanery, will you kindly pass on this request and advise me of the name of the colleague who is now dealing with it.

Yours sincerely,

OONAGH McINTOSH
SECRETARY TO THE INVESTIGATION

Enc: MBI terms of reference

Annex A

1. The evidence required from the NHS North Western Deanery should cover the period from 1 January 2004 to 30 June 2013, and should include any information that was known and is pertinent to the Investigation.
2. All feedback from medical staff (registered with the NHS North Western Deanery) who had placements in obstetrics and gynaecology at UHMBT between 1 January 2004 and 30 June 2013.
3. All correspondence between the NHS North Western Deanery and the UHMBT with regard to complaints about their junior medical staff on placement in obstetrics and gynecology during the period covered by the Investigation.
4. All correspondence between the NHS North Western Deanery and the UHMBT with regard to complaints about their junior medical staff on placement in other Departments of the Trust during the period covered by the Investigation.
5. All information on any measures taken by the NHS North Western Deanery in response to any complaint against medical staff on placement at the UHMBT during the period covered by the Investigation.
6. Any other material that NHS North Western Deanery considers would assist the Investigation in addressing its terms of reference in full.

From: Roberts, Paul
Sent: 16 May 2014 10:12
To: [REDACTED]
Subject: RE: RESPONSE: Morecambe Bay Investigation

Hi [REDACTED]
We are looking for correspondence between the Deanery and the Trust. (items 3 & 4)
For item 2, it is really about if any of the medical staff on placement had anything to say about their time at the Trust (good or bad), or if they expressed concern back to the Deanery about examples of poor/bad/good practice.

Hope this is helpful.

Regards,
Paul

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3rd Floor Park Hotel
East Cliff
Preston
PR 1 3EA
(Postcode for Sat Nav systems PR1 3JT)

T: 01772 536401

M: [REDACTED]

From: [REDACTED]
Sent: 16 May 2014 09:53
To: Roberts, Paul
Subject: RE: RESPONSE: Morecambe Bay Investigation

Thanks – although we agreed to all the documents for 'every trainee that has passed through University Hospitals of Morecambe Bay Trust that has had a complaint made about them during their time there', and within the timescales of 1 January 2004 – 30 June 2013. Annex A states just correspondence between the Deanery and UHMBT needs sending. Please confirm?

KRs

[REDACTED]
Professional Support Manager

Health Education North West

T: [REDACTED]

From: Roberts, Paul [<mailto:paul.roberts@mbinvestigation.org>]
Sent: 16 May 2014 09:40
To: [REDACTED]
Subject: RE: RESPONSE: Morecambe Bay Investigation

That's fine. Come back to me when you're ready.

Regards,
Paul

Paul Roberts
Documents & Evidence Manager
Morecambe Bay Investigation
3rd Floor Park Hotel
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Preston
PR 1 3EA
(Postcode for Sat Nav systems PR1 3JT)

T: 01772 536401

M: [REDACTED]

From: [REDACTED]
Sent: 16 May 2014 09:32
To: Roberts, Paul
Subject: RE: RESPONSE: Morecambe Bay Investigation

Hi Paul

Thank you for responding so quickly.

I am meeting with the information manager this morning at 11.00am to see how we can filter quickly and the volume of potential information so I will have a better understanding early this afternoon. Could I place a hold on your generous offer till then?

Kind regards,

[REDACTED]
Professional Support Manager

Health Education North West

T: [REDACTED]

From: Roberts, Paul [<mailto:paul.roberts@mbinvestigation.org>]
Sent: 15 May 2014 16:46
To: [REDACTED]
Subject: RE: RESPONSE: Morecambe Bay Investigation

Hi [REDACTED]
Thank you for your email.

I agree that this reflects our conversation earlier today.

Regarding the second bullet point, thank you for prioritising the O&G, and now the neonatal following our conversation.

Having briefly discussed this with the Investigation Secretary, we feel there is a need to look at other specialties. I wonder if there is a way to easily filter the information? (I'm making an assumption that some

of this may be electronic) Alternatively, would there be any merit in my coming to meet with you to look at examples of the information and how you are searching, to get a better understanding, with a view to one of the Investigation's Panel of experts reviewing the material directly. The hope is that this might streamline the process. I expect that the Panel member would be a doctor and therefore know what he was looking for.

Finally, regarding the redaction, all the organisations we have contacted – in excess of 20 – except one are providing material unredacted. We are in discussion with that organisation to resolve that issue and are hopeful of a successful outcome.

Please don't hesitate to contact me if I can assist further.

Regards,
Paul

Paul Roberts
Documents & Evidence Manager
Morecambe Bay Investigation
3rd Floor Park Hotel
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PR 1 3EA
(Postcode for Sat Nav systems PR1 3JT)

T: 01772 536401

M: [REDACTED]

From: [REDACTED]
Sent: 15 May 2014 15:27
To: Roberts, Paul
Subject: RESPONSE: Morecambe Bay Investigation
Importance: High

Dear Paul

Thank you for talking to me earlier and as discussed below is a summary of our conversation:

- You agreed to information being sent in .pdf format and that you would convert it at your offices to a searchable .pdf.
- We discussed that Annex A - item 3 related to O&G but item 4 related to all specialties and you requested information about complaints from every specialty. With this in mind, my understanding from our conversation was the search parameters are - you want all the documents for 'every trainee that has passed through University Hospitals of Morecambe Bay Trust that has had a complaint made about them during their time there', and within the timescales of 1 January 2004 – 30 June 2013? Do you agree?

We also discussed that this ran into many thousands of trainees and it was a mammoth task for staff, including physically because of the location of files and we discussed the volume of paperwork involved, e.g. 1500+ pages relating to one trainee. When I explained the possible volume of numbers involved you said you would speak with a colleague to determine if all specialties were needed. At the very least, we would supply the complaints relating to the O&G and neo-natal specialties, with any complaints from other specialties following as soon as possible. I also confirmed that Professor Hayden has this task marked as highest priority.

- You acknowledged that we were brought into the investigation rather late, most places getting their initial letters in January and confirmed the information is needed as soon as possible because the report needs to be produced by November.
- We also discussed the subject of redaction further to Professor Hayden's telephone message to Jo on Tuesday. I agreed to inform Professor Hayden your comments that the information we supply to you, will be treated in the strictest of confidence and only accessed by those pertinent to the investigation. You stated that the UHMB Trust, GMC and NMC have supplied information un-redacted and you would prefer it the same way. Should any of the documents be used in the final report, you stated you/your team would redact them. Finally, you confirmed that the information supplied would be securely destroyed, or returned if that was the Deanery's preference, and you would send an email to confirm this had been done.

I hope this accurately reflects our conversation and I look forward to hearing your response to the second bullet point as soon as possible.

Kind regards

[REDACTED]
Professional Support Manager

Health Education North West
3 Piccadilly Place | Manchester | M1 3BN

T. [REDACTED]
F. 0161 625 7502
E. [REDACTED]
W. www.nwpgmd.nhs.uk

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Health Education North West
3 Piccadilly Place
Manchester
M1 3BN

Our Ref: JH/ed/MBay Investigation May 2014
Your Ref:

22 May 2014

Oonagh McIntosh
Secretary to the Investigation
The Morecambe Bay Investigation
3rd Floor Park Hotel
East Cliff
Preston
PR1 3EA

RECEIVED

23 MAY 2014

MBI

T: [REDACTED]
E: [REDACTED]
W: www.nwpgmd.nhs.uk
W: www.merseydeanery.nhs.uk

Dear Ms McIntosh

Re: **Morecambe Bay Investigation - Request for Information**

We received your request for information relevant to the investigation into the University Hospitals of Morecambe Bay NHS Foundation Trust Maternity and Neonatal Services. I can confirm that the North Western Deanery, now part of Health Education North West, is the body responsible for overseeing the education and training of many of the trainee doctors placed at that Trust.

Having considered the sorts of evidence you indicated in your letter that the investigation would find useful, we have tried to provide you with a range of information that we feel may be relevant. I must point out that during the timescale that is of interest to the Investigation, the Deanery has overseen the training of around 40,000 trainees and we have had to conduct high level searches to determine which trainees may have undertaken placements at the Trust. Given the timescale for our response, we have had to focus on information that is immediately accessible to us and that provides the investigation with some insight into the educational environment at the Trust.

The information is contained on the enclosed encrypted memory stick and the password has been emailed separately to Paul Roberts. To set the context for our work, we asked all our Heads of School and relevant Associate Deans and GP Associate Directors for feedback about training in general at UHMB and this is included in folder 00 Overview, together with a copy of this covering letter. I thought it might be helpful to the investigation to give a brief overview about our approach to quality management and our interactions with UHMB, as well as an outline of the information we have collated.

I need to stress that we take a risk-based approach to the quality management of training environments and seek to triangulate the information we receive about placements. This can come from a wide variety of sources including formal and informal feedback from trainees, training programme directors and Heads of School. All our Learning Education Providers (LEPs) provide us with an annual report and all our training programmes do likewise. The GMC conducts an annual survey of trainees and this also provides valuable feedback. We undertake a regular cycle of quality management visits to our LEPs, visiting each one once every two years. However, if concerns reach us that training is not of the required standard, additional triggered visits can be undertaken if the concerns appear to be genuine. If a scheduled visit identifies concerns that merit a timelier follow up, additional review visits can also be held.

We are the Local Education and Training Board for the North West

UHMB is not a trust that has caused us concern from a training perspective. Not all trainees are happy being allocated a placement at Morecambe Bay but this is often due to the remoteness from the centre of Manchester, rather than concerns about the quality of training. Therefore, we had only conducted scheduled visits until March 2012, when the GMC asked us to conduct an additional visit when the training of other health professionals in the trust was brought to their attention. All available monitoring visit reports and responses from the trust are provided in folder 1, which also contains a brief overview of our processes. Our visit reports are one of the ways trainee feedback is documented and we hope you find them useful. The other key way trainees can feedback on their training experience is via the annual training survey conducted by the GMC. Information relating to key findings from the survey for UHMB are also included in this folder, together with links to the GMC's online reporting tool, should the Investigation team wish to undertake more detailed analysis of the findings.

Trainees from different training programmes can undertake placements at the Trust but given the volume of trainees previously outlined, we have focused particularly on those undertaking specialty training in obstetrics and gynaecology. We identified that around 1,800 trainees had undertaken placements at UHMB and we reviewed the files of those trainees that are currently available. We have also collated relevant feedback from general practice and foundation trainees who have undertaken placements at the trust. Folders 2,3 and 4 contain this information and each section has a brief overview. I must highlight that the trainee feedback should not be taken in isolation from the other range of information. What can appear as an adverse comment is sometimes just 'background noise' and is no better or worse than the feedback we receive about placements at other trusts. Our quality management processes are used to 'sifting' such information to identify issues that are out of the ordinary and merit further follow up to check their veracity.

Another way that trainee feedback is captured is via the Junior Doctors' Advisory Team who are focused on supporting and monitoring trusts' compliance with the European Working Time Directive. A brief overview of their approach, together with available reports, is contained in folder 5.

The Deanery has processes to support trainees who experience difficulty during their training and those files have also been reviewed to assess whether they contain any relevant information. Over the time period of interest to the Investigation, we have identified around 800 files relating to such trainees. Of these, 55 trainees have undertaken placements at UHMB. All those files have been reviewed to ascertain whether they contain any relevant information and 3 files contain information that may be relevant to the Investigation. All relevant paperwork has been prepared and will be made available as folder 6. Given the sensitivity of this information, I have spoken to Paul Roberts and I am awaiting further assurances from Dr Bill Kirkup regarding confidentiality before this information is released to the investigation team.

Your letter also asked for any other information that we might feel would be relevant to the Investigation. We have identified two possible areas that you may feel are useful. Folder 7 contains information supplied to us by UHMB regarding trainees who may have been involved in an incident or complaint. This is a new process associated with the introduction of revalidation and therefore there are only a small number of relevant reports. Folder 8 contains our post gap and post occupancy analyses for the Trust and an overview of this process is contained in the folder.

I hope you find the information useful. I note your assurances around the management of evidence supplied to the Investigation. As we have supplied information on an encrypted memory stick, please can you return this at the end of the investigation.



Health Education North West

Yours sincerely

Professor Jacky Hayden CBE
Dean of Postgraduate Medical Studies

We are the Local Education and Training Board for the North West

From: Roberts, Paul
Sent: 11 June 2014 07:10
To: [REDACTED]
Cc: [REDACTED]
Subject: Morecambe Bay Investigation Evidence

[REDACTED]
I understand that our Chairman has now managed to speak to Professor Hayden and she has agreed that the information can now be provided to the Investigation unredacted. He has asked me to contact you to arrange the best way to provide the information.

Whilst we would prefer to receive it electronically, if it's easier, we can accept it hard copy, and we would then scan it. As with any evidence we receive, at the end of the investigation, we will either return the material to you or destroy it securely. Given the sensitive nature of this particular material, my preference would be to return it to you.

I'm not in the office today, but if you wanted to speak to Jo Fenlon to agree the best option for getting the material over to us that's fine. [REDACTED] number is 01772 536390.

Regards,
Paul

**MORECAMBE
BAY
INVESTIGATION**

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