

THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

David Behan
Chief Executive
Care Quality Commission
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Telephone: 01772 536376

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6th January 2014

Dear Mr Behan,

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 Care Quality Commission (CQC). 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 CQC 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 CQC in providing material as swiftly as possible.

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

The evidence being sought covers the period before CQC came into being, and you are being asked to source information from the predecessor organisation – the Commission for Healthcare Audit and Inspection (CHAI).

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: [REDACTED] - POLICY ADVISOR TO DAVID BEHAN

Annex A

1. A list of all cases of maternal or neonatal death that occurred in the Trust (including all units within the Trust: Furness General Hospital, Royal Lancaster Infirmary, Westmorland General Hospital, Queen Victoria Hospital or Ulverston Community Health Centre) from 1 January 2004 to 30 June 2013 that were reported to the CQC or CHAI.
2. As far as the CQC is able to ascertain the information, a list of cases of maternal or neonatal death that occurred following transfer of a mother, baby or mother and baby to another unit, and that were reported to the CQC or CHAI.
3. A list of all serious untoward incidents which occurred at the Trust between 1 January 2004 and 30 June 2013 and that were reported to the CQC or CHAI.
4. Copies of all inspection reports and supporting information regarding inspections that took place at the Trust between 1 January 2004 and 30 June 2013. This should include letters, e-mail exchanges and notes of telephone conversations between staff at the Trust and the CQC and CHAI.
5. Evidence of any action that was taken by the Trust Board and made available to the CQC in response to relevant inspections published by the CQC.
6. Any other information you consider may be relevant to the Investigation in fulfilling its terms of reference.

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19 May 2014

Dear Mr Behan,

Outstanding evidence for the Morecambe Bay Investigation

Further to my letter of 6 January 2014, I am now following up on progress to provide outstanding evidence.

This letter sets out the documents and evidence still outstanding, from the original letter. The Investigation Chairman and his team of independent expert advisors require to be provided with the documents in order to comply with their terms of reference.

Annex A to this letter sets out the evidence that remains outstanding from my original letter.

You may be aware that the Secretary of State has granted an extension of time to November for the Chairman to deliver his Report. However, in doing so, the Secretary of State has indicated that there will be no further extension to the Investigation's timeline. Receiving the outstanding evidence in a timely period is therefore crucial.

In January the Morecambe Bay Investigation sought material from the Parliamentary and Health Service Ombudsman (PHSO) to assist its ability to address its terms of reference.

As a result of the statutory bar placed on the Parliamentary and Health Service Ombudsman by the Acts of Parliament under which it is established - The

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Parliamentary Commissioner Act 1967 and the Health Service Commissioners Act 1993 - the Ombudsman is unable to supply this material to the Investigation.

Mick Martin, the Ombudsman's Managing Director, has indicated to the Morecambe Bay Investigation that it (the Investigation) can nevertheless secure copies of correspondence between the PHSO and a number of interested organisations (including yours) by approaching each individual organisation.

The Investigation is therefore seeking your assistance in obtaining copies of correspondence between the Parliamentary and Health Service Ombudsman and the Care Quality Commission (CQC) regarding any complaints made to the Ombudsman about the standard of care and services delivered by the University of Morecambe Bay Hospitals NHS Foundation Trust between 1 January 2004 and 30 June 2013.

I appreciate that CQC has already been asked to provide the Investigation with correspondence between it and the Ombudsman, but you will appreciate it is the "other half" of the exchanges of correspondence that the Investigation is seeking to obtain.

Should you wish to confirm with the Ombudsman's office that this is an appropriate approach please do not hesitate to do so. You will however recognise that the Investigation needs to obtain this material as a matter of urgency.

I would appreciate it if you would supply the outstanding material and any additional material identified in the above paragraphs concerning the Parliamentary and Health Service Ombudsman to the Morecambe Bay Investigation by 6 June 2014.

If CQC does not have or, having exhausted all avenues of possibility, is unable to provide the material, could you please confirm this in writing.

If you have any queries, please do not hesitate to contact me or the Investigation's Documents and Evidence Manager, Paul Roberts, on 01772 536401 or via email at paul.roberts@mbinvestigation.org

Yours sincerely,

OONAGH McINTOSH
SECRETARY TO THE INVESTIGATION

cc. John Forrest

Annex A – Outstanding evidence

1. A list of all serious untoward incidents which occurred at the Trust between 1 January 2004 and 30 June 2013 and that were reported to the CQC or CHAI. (item 3 in the original request)

The Investigation notes from your previous submission that there was no legal requirement for SUI's to be reported to CQC/CHAI. You did indicate that the Chief Executive at the time, Cynthia Bower, was alerted to 5 SUI's by the Chairman of Monitor, William Moyes, in a letter dated 1 June 2009. The Investigation would like to receive a copy of this letter in respect of this element of outstanding evidence.

2. Copies of all inspection reports and supporting information regarding inspections that took place at the Trust between 1 January 2004 and 30 June 2013. (item 4 in the original request)
3. Any other information you consider may be relevant to the Investigation in fulfilling its terms of reference. (item 6 in the original request)

You have previously indicated that you will continue to search for and collate any further material that may be uncovered and provide this to the Investigation. If no such material has been located, could you please confirm this to the Investigation.

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11 June 2014

Dear John,

CQC'S CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM

When Amanda Musgrave attended the Investigation to be interviewed regarding her role as a report author she explained to the Panel that the CQC has a Customer Relationship Management System where Inspection activity is logged. This database apparently brings together all the information held by the CQC about particular providers and is a source of information on any one particular provider.

Amanda also explained that as information is presented to the CQC as part of the inspection process, so all the evidential documents that are presented by organisations are stored within the System.

Amanda Musgrave explained that Inspectors are able to elicit information from the System to enable them to establish the previous inspection activity, what is shown, if there were any outstanding actions and if these were issues regarding registration. As Amanda explained the source material is used as part of the familiarisation for inspectors with the caseloads that they are allocated the Investigation anticipates this material is readily accessible and that the CQC will be able to supply it to the Investigation as a matter of urgency.

The Investigation Panel has asked if the CQC can provide it with copies of all information held on its Customer Relationship Management System in respect of the University Hospitals of Morecambe Bay NHS Foundation Trust.

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It would be helpful if you would advise Paul Roberts, the Investigation's Documents and Evidence Manager, when the Investigation can expect to receive the material.

Should you have any queries please do not hesitate to contact Paul or me.

The Investigation looks forward to receiving the relevant documentation.

Yours sincerely,

OONAGH McINTOSH
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23 July 2014

Dear John,

REQUEST FOR ADDITIONAL EVIDENCE FOR THE INVESTIGATION

Thank you for your time on Friday 11 July along with that of your colleagues, to demonstrate and discuss the CRM system used by CQC. I understand it was a very helpful and informative meeting.

Arising out of the meeting were a number of issues, which I have set out below.

You discussed the Investigation seeing Quality Risk Profiles relating to the Trust, and which CQC had previously shared with Monitor. You explained that these were primarily considered to be internal CQC documents, which had not been shared with the Investigation. However, you agreed that these could be shared with the Investigation, and kindly forwarded these to the Investigation that same afternoon.

There were a number of other issues that arose that the Investigation would like to follow up on. These are:

1. The Investigation would like to interview the following additional senior regional managers:

- Ann Ford
- Sue McMillan

It would be appreciated if you could contact the Investigation's Deputy Secretary, Nick Heaps, to discuss their availability for a suitable date for interview. Nick can be contacted on 01772 536393 or via email at:

Telephone: 01772 536376

Email: correspondence@mbinvestigation.org

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correspondence@mbinvestigation.org

2. The Investigation would like to see information provided by CQC to Monitor about the Trust application for foundation status, and would like to be advised, in writing, if the information provided was in line with CQC policy.
3. The Investigation would like to see information provided by CQC for the health minister, Dr. Dan Poulter, for the purposes of the Adjournment Debate 5 February 2013.
4. The Investigation would like to see all minutes of relevant meetings between CQC and other organisations with regard to CQC's inspection programme as it affected the Trust.
5. The Investigation would appreciate a copy of the CQC's Enforcement Policy.

It would be helpful if you would advise Paul Roberts, the Investigation's Documents and Evidence Manager, when the Investigation can expect to receive the material.

Should you have any queries please do not hesitate to contact Paul or me.

The Investigation looks forward to receiving the relevant documentation.

Yours sincerely,

OONAGH McINTOSH
SECRETARY TO THE INVESTIGATION

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23 July 2014

Dear John,

REQUEST FOR DATA PACK FOR RECENT WAVE INSPECTION OF UNIVERSITY HOSPITALS FO MORECAMBE BAY NHS FOUNDATION TRUST

At the meeting with you on 11 July, when Investigation Panel members and the Investigation's Documents & Evidence Manager met you at the CQC's offices to review the CRM, there was a discussion about the data pack for the recent wave inspection at the Trust.

Whilst not specifically within the review period set out in the Investigation's terms of reference, it would be beneficial for the Investigation to be provided with the data pack. This would assist the Chairman and his expert Panel in meeting term of reference 5 "... to assess and make findings as to the Trust's ability to discharge its duties in delivering maternity services ..."

It would be helpful if you would advise Paul Roberts, the Investigation's Documents and Evidence Manager, if the Investigation can have sight of the material.

Should you have any queries please do not hesitate to contact Paul or me.

Yours sincerely,

**OONAGH McINTOSH
SECRETARY TO THE INVESTIGATION**

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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

From: Forrest, John
Sent: 30 January 2015 17:38
To: Roberts, Paul; [REDACTED]
Subject: CQC Evidence 70 to 71

Dear Paul,

CQC/0070

Shortly following the Investigation's first request for documents, you and I discussed the problems of interrogating our CRM system to release documents in a way that would be helpful to the Investigation's request for the following:

Copies of all inspection reports and supporting information regarding inspections that took place at the Trust between 1 January 2004 and 30 June 2013. This should include letters, e-mail exchanges and notes of telephone conversations between staff at the Trust and the CQC and CHAI.

Evidence of any action that was taken by the Trust Board and made available to the CQC in response to relevant inspections published by the CQC.

The Investigation received all inspection reports shortly after this request was made. The evidence of action by the Trust Board would have routinely been received by email and so should be contained within the broader correspondence if it exists.

You and two Panel members attended CQC's offices to view a demonstration of CRM and were shown some records to illustrate the challenges to accessing CRM in that way.

The Commission continued to explore options for obtaining the broader correspondence and specifically tasked a developer to the project who was able to extract every attachment to a CRM record. I then searched these for relevance. To maximise the chance of capturing documents that fall into the criteria above, I searched for any email which was an email between a CQC email address and a Trust email address. We then removed correspondence which was from a third party where both CQC and the Trust were copied in.

The result is attached as exhibit CQC/0070. Unfortunately, including every attachment from every email returned by this search produces an unmanageable document. Should you wish to review any of the attachments, please let me know I and will provide them. Similarly, if this correspondence indicates dates of interest, I can then search other material by date to identify whether any non-document entries within CRM contain more information. You will find the emails are broadly (but not invariably) in date order. I am sorry I was unable to resolve this.

You will recall that CQC has continued to disclose relevant correspondence when requested or where it was clear it would assist with a particular CQC interviewee. For these reasons, I suggest there is little further of note in this exhibit, but clearly it is for the Investigation to make that final analysis. I suggest pages 5754, 5763 and 5919 may be relevant to the Investigation's broader Terms of Reference.

CQC/0071

On 12 December 2014, [REDACTED] asked for further information regarding inspections of the Trust by CQC and predecessor bodies. I hope this exhibit provides a helpful summary of routine (that is, using the standard, rather than S.48 Investigation powers) inspections by CQC. CHAI / HCC would only conduct an Investigation as part of the pathway which Sarah Seaholme described during her interview. As the Investigation is aware, the matter did not proceed to the investigation stage at that time.

There were, as part of the Annual Healthcheck methodology, circumstances where a percentage of trusts experienced a further period of scrutiny of their return. I understand that the Trust was subject to such scrutiny as part of the Healthcheck in 2009, but this took the form of closer review of documents at a Trust location rather than an objective assessment of the care being provided at that time which could be considered to be an inspection. I am afraid I can provide little further specific information as the HCC staff member who conducted this scrutiny was [REDACTED] who is no longer employed by the Commission.

The attachment is password protected as before.

Kind regards,
John

John Forrest
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Telephone [REDACTED] Extn [REDACTED] Mobile [REDACTED]

Email: [REDACTED]

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Statutory requests for information made under Data Protection Act 1998 and Freedom of Information Act 2000 should be sent to information.access@cqc.org.uk

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