

THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Third Floor
Park Hotel
East Cliff
Preston
PR1 3EA

T: 01772 536376

E: [REDACTED]

RESTRICTED

Our reference:

Mr David Bennett
Chief Executive
Monitor
Wellington House
133-155 Waterloo Road
London SE1 8UG

27 November 2013

Dear Mr Bennett

THE MORECAMBE BAY INVESTIGATION MONITOR'S REVIEW OF UNIVERSITY HOSPITALS MORECAMBE BAY FOUNDATION TRUST'S APPLICATION FOR FT STATUS (April 2010), October 2010

As you know the terms of reference for the Morecambe Bay Investigation was announced by the Secretary of State for Health on 12 September. A copy of the terms of reference is attached for your information.

The Investigation Chairman, Dr Bill Kirkup, published a Method Statement on 1 November setting out how the Investigation was being established and the approach it would take to evidence gathering and reviewing material submitted to it covering the period 1 January 2004 – 30 June 2013.

In the terms of reference the Investigation is charged with reviewing the University Hospitals Morecambe Bay Foundation Trust Board's response to, and any subsequent actions taken following receipt of Monitor's review of the Trust's application for FT status (April 2010), October 2010.

Dr Kirkup has asked me to an original copy of this Report from Monitor. I would be grateful if you would provide the Investigation with a copy of the Report as a matter of urgency.

A hard copy of the Report should be addressed for my attention at the above address or an electronic\PDF'd version of the Report should be e-mailed to me at Oonagh.McIntosh@mbinvestigation.org.

I hope this request is self-explanatory and can be responded to by return but should you have any queries please do not hesitate to contact me on 01772 536381.

I have copied this letter to Kate Moore.

I look forward to receiving the Report.

Yours sincerely

OONAGH McINTOSH
SECRETARY TO THE INVESTIGATION

THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Mr D Bennett
Chief Executive
Monitor
Wellington House
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Lancashire
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Telephone: 01772 536376

Email: correspondence@mbinvestigation.org

6th January 2014

Dear Mr Bennett,

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 your organisation. 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 appreciate receiving 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 Monitor 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 will assist Monitor in providing material as swiftly as possible.

The evidence required for the Investigation from Monitor, 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 KATE MOORE – EXECUTIVE DIRECTOR OF LEGAL SERVICES

Annex A

1. A record of Monitor's actions in response to incidents and serious untoward incidents relating to the deaths of mothers and babies for the period 1 January 2004 to 30 June 2013 that occurred at the Trust and that Monitor was advised about or that Monitor became aware of.
2. Monitor's record of the Trust's actions in response to relevant investigations published by the Parliamentary and Health Service Ombudsman that were shared with or brought to the attention of Monitor.
3. All financial reports that were provided to Monitor by the Trust, the North West Strategic Health Authority or the Department of Health for the period 1 January 2004 to 30 June 2013.
4. A record of Monitor's actions in responses to, and any subsequent actions taken by the Trust following delivery of, the following report:
 - Monitor's review of the Trust's application for FT status (April 2010), October 2010
5. Any other information that you consider may be relevant to the Investigation in meeting its terms of reference.

From: Roberts, Paul
Sent: 13 January 2014 15:38
To: 'Kate Moore'
Subject: RE: Morecambe Bay Investigation

Dear Kate,

Thank you very much for providing me with the KPMG report and Monitor's response.

As you say, we do have a copy of the Monitor Board's decision pack from the 23rd September 2010 regarding the Trust's Authorisation. My apologies if you thought I was being unhelpful. We appreciate your cooperation with the Investigation. I will share the information you have sent today with the Chairman and the Panel. Once we receive any additional material you may have later, I'm sure if the Chairman thinks of anything else that may be useful, he will ask me come back to you.

In the meantime, if there are any other queries you have, then please don't hesitate to contact me.

Thaks again for your help.

Paul

Paul Roberts
Documents & Evidence Manager
Morecambe Bay Investigation
3rd Floor Park Hotel
East Cliff
Preston
PR 1 3EA

T: 01772 536401

M: [REDACTED]

From: Kate Moore [REDACTED]
Sent: 13 January 2014 15:24
To: Roberts, Paul
Subject: RE: Morecambe Bay Investigation

Dear Paul,

Thank you for your response.

Monitor is of course ready and willing to support the Investigation and is already doing so. I'm sure the Investigation accepts that this support does not in any way preclude the raising of genuine queries on requests made of Monitor, such as those contained in my e mail of 10 January, and I observe that Oonagh McIntosh's letter of 6 January expressly invites queries on the requests for evidence.

With regard to request 4, you haven't replied to my suggestion so to be clear, Monitor is interpreting the request as one for documentation showing the course of events between Monitor and the Trust following its authorisation as a foundation trust on 1 October 2010 to 30 June 2013, per the ToR. We have already supplied the Investigation with the report for Monitor's Board referred to in this request.

To be helpful, I attach links below to KPMG's report together with Monitor's management response to which I refer in my e mail below. These documents are, as I said, on Monitor's website.

[KPMG report](#)

[Monitor's management response](#)

Regards

Kate Moore | Executive Director of Legal Services

Monitor

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From: Roberts, Paul [<mailto:paul.roberts@mbinvestigation.org>]

Sent: 13 January 2014 11:13

To: Kate Moore

Subject: RE: Morecambe Bay Investigation

Dear Kate,

Thank you for your email of the 10th January.

Regarding the issues you raise at points 3 and 4 in the Annex to the letter:

Point 3 – this request was specifically made by the Panel in order to consider if the Trust was under any financial pressure, which may have diverted attention away from prioritising quality and safety issues.

Point 4 – we appreciate you bringing to the attention of the Investigation the KPMG Internal Audit report on learning's and implications from the Trust and Monitor's subsequent Management Response, and would be grateful if you could forward copies of these along with the other evidence you are collecting as part of the request.

As the Investigation was commissioned by the Secretary of State to be independent, the responsibility to request specific evidence rests with the Investigation's Chairman. It is anticipated that organisations, such as Monitor, will be supportive of all requests.

Any further queries, please do not hesitate to contact me.

Regards,
Paul

Paul Roberts
Documents & Evidence Manager
Morecambe Bay Investigation
3rd Floor Park Hotel
East Cliff
Preston
PR 1 3EA

T: 01772 536401

M: [REDACTED]

From: Kate Moore [REDACTED]
Sent: 10 January 2014 17:03
To: Roberts, Paul
Cc: Miranda Carter; Helen Buckingham; Adam Cayley
Subject: Morecambe Bay Investigation

Dear Paul,

I write first to acknowledge receipt of the letter from Oonagh McIntosh to David Bennett of 6 January 2014, in which the Investigation team requests specific information.

We are actively progressing the information requests made in paragraphs 1 and 2 in that letter and of course will give thought to the request in paragraph 5.

I have two queries as follows on the remaining requests:

- Request 3: I shall be grateful if you will confirm why the Investigation would like to see financial reports provided to Monitor by the Trust, given the terms of reference. I am informed that we do not have any such reports from the DH or the North West SHA.
- Request 4: potentially, this is a very wide request covering the updated assessment period (April 2010 to 1:10:2010) and thereafter, all of Monitor's routine compliance monitoring and enforcement activities. It is very probable that much of this information will not be relevant to the Investigation. Therefore, I wonder whether a better use of resources is for the Investigation team to be more precise in its request here following, for example, its consideration of KPMG's Internal Audit report entitled 'Learnings and Implications from UHMB NHSFT' as re-issued on 12.7.2012, and Monitor's Management Response of 28 June 2012. As you will be aware, both of these detailed reports are on Monitor's website.

I look forwards to hearing further from you.

Regards.

Kate Moore | Executive Director of Legal Services

Monitor

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RECEIVED

4 FEB 2013

MBI

2014

Moni

Making the health
work for patients

3 February 2014

Wellington House
133-155 Waterloc
London
SE1 8UG
T: 020 7972 338
W: www.monitor.

Paul Roberts
3rd Floor
Park Hotel
East Cliff
Preston, Lancashire PR1 3EA

Dear Paul


I write further to Oonagh McIntosh's letter of 6 January 2014 to David Bennett, and to our subsequent communication by e mail.

Monitor notes and is grateful for the assurances given by the Inquiry as to its management of evidence voluntarily submitted.

With regard to the specific requests for evidence of Monitor at Annex A to the said letter, I enclose nine, clearly labelled discs with regard to requests 1 to 4 inclusive. You will note that, for request 1, we have categorised the information per the assessment firstly in February 2009 and then in October 2010 onto two separate discs; there are then two discs containing information from Provider Regulation. There is one disc for request 2. We enclose two discs for request 3, one each for Assessment and Provider Regulation. For request 4, we have supplied two discs, the first for 2010/11 and the second for 2012/13. The information on the discs is referenced and dated. We have made some redactions to a very small number of documents, for example, the 'Issue Trust' Reports, since they contain considerable volumes of sensitive regulatory material on other foundation trusts of no relevance to the Inquiry.

Monitor recognises that it has supplied the Inquiry with a lot of information, and naturally we will assist the Inquiry in the perhaps likely event it has questions for us on the evidence we have submitted. At this stage, we cannot think of anything further we might usefully submit under request 5, but will keep the situation under review, not least as the Inquiry commences its consideration of the information sent under requests 1 to 4.

Yours sincerely


Kate Moore
Executive Director of Legal Services

THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Mr D Bennett
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Telephone: 01772 536376

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4 March 2014

Dear Mr Bennet,

MONITOR'S REVIEW OF THE (UNIVERSITY HOSPITALS OF MORECAMBE BAY NHS) TRUST'S APPLICATION FOR FT STATUS (APRIL 2010) AUGUST 2010

As you may know, the above named Report is specifically referred to in the terms of reference of the Morecambe Bay Investigation.

The Investigation is grateful for the evidence submitted by Monitor and the Investigation Chairman and the Panel of expert advisors are currently reviewing the significant volume of material supplied by Monitor and other interested organisations. Further evidence is expected to be delivered in the coming weeks from other interested organisations.

It would be helpful to the Investigation, if Monitor could advise it whether, once drafted, the above mentioned report was shared with any other organisation e.g. the Trust or the Department of Health or any individual, and if so, whether it was the policy for such reports to be shared with others for comment or information?

Equally it would be helpful to be advised if the above mentioned report was drafted for Monitor's purposes and if the contents helped shape any advice and/or recommendations that Monitor made to the Secretary of State and/or others?

The Investigation looks forward to receiving your reply.

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

Yours sincerely,

OONAGH McINTOSH
SECRETARY TO THE INVESTIGATION

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: Correspondence MB
Sent: 12 March 2014 10:10
To: McIntosh, Oonagh
Subject: FW: Response to Investigation letter of 4.3.2014

FYI

From: Kate Moore [REDACTED]
Sent: 11 March 2014 17:12
To: Correspondence MB
Cc: Roberts, Paul
Subject: Response to Investigation letter of 4.3.2014

Dear Sir/Madam,

I write further to the Investigation's letter of 4 March 2014 to Dr Bennett regarding Monitor's review of the Trust's application for NHS foundation trust status (April 2010/August 2010).

In response to the queries raised, I confirm that the Report referred to in the said letter was prepared for Monitor's purposes and was not shared outside of the organisation. The Report was submitted to Monitor's Board in support of the recommendation for authorisation. Monitor made no recommendations to the Secretary of State: the decision to authorise was solely a Monitor Board decision. As the Investigation will be aware, the Department of Health made a recommendation to the Secretary of State at the time that the Trust's application was originally referred to Monitor.

I hope that this is helpful.

Regards.

Kate Moore | Executive Director of Legal Services

Monitor

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From: Correspondence MB
Sent: 20 March 2014 13:29
To: McIntosh, Oonagh
Subject: FW: Draft Interview protocol

One for you I think.....

From: Kate Moore [REDACTED]
Sent: 17 March 2014 15:10
To: Correspondence MB; Roberts, Paul
Subject: Draft Interview protocol

Dear Sirs,

Thank you for the opportunity of commenting upon the draft interview protocol. Our comments are as follows:

1. **Notice of attendance at Investigation:** one week's advance notice of attendance (which is what appears to be proposed) is insufficient from a number of respects. These include pre-existing employment commitments and personal/domestic arrangements. In addition and very importantly, the proposed notice would not maximise effective contributions to the Investigation since only on confirmed attendance would the interviewee be advised what principal subjects or terms of reference they will be asked about. This is not likely to allow adequate time for the necessary preparation, including the potential re-reading of a significant amount of documentation which is likely not to have been considered by the interviewee for some time and possibly years. Appreciating that the Investigation is not a statutory inquiry, witnesses at the Francis Inquiry were given much more notice (several weeks) which properly allowed all necessary arrangements to be made. We would therefore urge the Investigation to rethink this crucial aspect of its draft protocol;
2. Additional to this is the potential for reasonable challenge to be made of the Investigation if with good cause a body such as Monitor considered that the request for a particular interviewee was not well founded; the tight timescales as proposed would not allow for such reasonable consultation;
3. **Summaries of each day's hearing:** it may be beneficial for the interviewee in question to be given the opportunity of reviewing what is proposed to be published: can this be built into the process?
4. **Use of 'recording devices':** interviewees may well find it most conducive to their giving full and therefore most helpful accounts of matters if, for example, they are allowed to use pre-prepared notes on their laptop. Is there any way in which this can be accommodated? In any event, presumably the Investigation will allow interviewees to use their pre-prepared hard copy notes during their interview?

I am of course happy to discuss any of the above as may be helpful.

I look forwards to hearing from you.

Regards.

Kate Moore | Executive Director of Legal Services

Monitor

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THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Mr D Bennett
Chief Executive
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19 May 2014

Dear Mr Bennett,

Evidence for the Morecambe Bay Investigation relating to the Parliamentary and Health Service Ombudsman

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 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 Monitor 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 Monitor has already been asked to provide the Investigation with correspondence between it and the Ombudsman, but you will appreciate it is the

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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

"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 any additional material concerning the Parliamentary and Health Service Ombudsman to the Morecambe Bay Investigation by 6 June 2014.

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.

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. Kate Moore

From: McIntosh, Oonagh
Sent: 25 June 2014 18:13
To:

Cc:
Subject: Roberts, Paul; Heaps, Nick
EMBARGOED PRESS NOTICE FROM MONITOR

Dear Colleague,

Attached is the embargoed press notice from Monitor regarding their decision to place the Trust in special measures.

Oonagh.



Embargoed for publication and broadcast until 00.01, Thursday 26 June 2014

Struggling foundation trust put into special measures

Monitor has put University Hospitals of Morecambe Bay NHS Foundation Trust into special measures.

The decision follows a recent comprehensive inspection by the CQC's Chief Inspector of Hospitals which identified that progress had been made in dealing with a number of concerns, but that the quality of care was still inadequate.

The CQC inspection found the trust needs to increase staffing levels across the organisation and improve the way it is run.

Monitor has therefore taken further regulatory action, which will see the trust develop and deliver a plan to improve the way the trust is managed.

Morecambe Bay has been in breach of its licence to provide healthcare services since October 2011 and Monitor has taken a number of steps to secure improvements in A&E and maternity services which has been recognised by the CQC inspection team.

As part of special measures Monitor will appoint an Improvement Director, whose role will be to provide support and expertise but also to hold the trust to account.

Adam Cayley, Regional Director at Monitor, said: "The trust has co-operated with Monitor in making some improvements in recent years, but the Chief Inspector of Hospitals has reported on wider failings in care that must be addressed.

"The level of care and the quality of senior leadership at this trust has not been good enough, that's why we've put Morecambe Bay into special measures.

"The pressure is on to turn things around for its patients, but the trust will receive extra support and guidance as it starts to address the many issues it faces."

Monitor will take further regulatory action if improvements are not made.

ENDS

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- For further information please contact Phil Groves, Head of News, on 020 3747 0800 or email press.office@monitor.gov.uk
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Phil Groves | Head of News

Monitor

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7 August 2014

Dear Mr Bennett,

MONITOR'S REVIEW OF THE (UNIVERSITY HOSPITALS OF MORECAMBE BAY NHS) TRUST'S APPLICATION FOR FT STATUS (APRIL 2010) AUGUST 2010 – BOARD TO BOARD MEETINGS

The Investigation is grateful for the evidence submitted by Monitor and the Investigation Chairman and the Panel of expert advisors are currently reviewing the significant volume of material supplied and undertaking a series of interviews.

One of the documents submitted to the Investigation by Monitor is:

Monitor Board Decision Pack Morecambe Bay 29092010 pdf.

Item 1.7 of this document refers to 'Key issues arising at/post board to board meeting'.

The Investigation would be grateful if Monitor would supply all papers they prepared in relation to the board to board meeting referred to in this document and for any other board to board meetings which took place between Monitor and University Hospitals Morecambe Bay NHS Trust in relation to its application for Foundation Trust status.

I would appreciate it if you would supply this material by 22 August 2014.

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

Yours sincerely,

OONAGH McINTOSH
SECRETARY TO THE INVESTIGATION

cc. Kate Moore, Executive Director of Legal Services

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

19/08/2014

Oonagh McIntosh
3rd Floor
Park Hotel
East Cliff
Preston PR1 3AE

Dear Oonagh,

Review of application for foundation trust status

I write with reference to your letter to Dr David Bennett dated 7 August 2014, copied to me, requesting the papers which Monitor prepared in relation to the Board to Board meetings which were held between Monitor and University Hospitals of Morecambe Bay NHS Trust as it was then in respect of its application for NHS foundation trust (NHS FT) status.

Board to Board meetings were held with the Trust in 2009 and 2010. It is our normal practice to have one Board to Board meeting per assessment. However, where an application is deferred, that is, paused midway due to issues Monitor has uncovered, a second Board to Board meeting may be held when the assessment is resumed at a later date. The Trust's assessment was one such case. The rationale for the Trust's deferral is documented in our "*Lessons Learned Report into Morecambe Bay*", in summary, because the Care Quality Commission was looking into trends in maternity serious untoward incidents and was therefore not in a position to endorse the Trust's application for NHS FT status at that time.

I have enclosed the Board to Board packs which were put together by Monitor in preparation for those meetings and supporting audit templates for 2010. I have also enclosed the notes of the meetings although these are not finalised and were not shared with the Trust. The supporting financial information for both the 2009 and 2010 assessments has already been provided to the Investigation should you wish to refer to it.

The Investigation is already in possession of the Monitor Board Decision pack in respect of its decision to authorise the Trust as an NHS FT in 2010. I should like to explain that there is no equivalent Monitor Board Decision pack in respect of the 2009 decision to defer the Trust's assessment because it was evident that the Trust's application could not progress any further at that point in time.

Yours sincerely,

Kate Moore
Executive Director of Legal Services
Direct line: [REDACTED]

From: Correspondence MB
Sent: 09 December 2014 14:29
To: 'Kate Moore'
Cc: [REDACTED] Roberts, Paul
Subject: RE: Morecambe Bay Investigation: additional information request

Dear Kate,

Thank you for the swift response to my letter to David, for helpfully supplying the material the Investigation had requested and the explanatory information. The Panel will be considering the material you have supplied alongside the response and additional material received from Miranda.

Thanks again,

 Oonagh.

From: Kate Moore [REDACTED]
Sent: 09 December 2014 13:42
To: Correspondence MB
Cc: [REDACTED]
Subject: Morecambe Bay Investigation: additional information request

Dear Oonagh,

Thank you for your letter of 1 December 2014 to David Bennett, to which he has asked me to reply on his behalf.

Contrary to David's recollection at his interview on 28 November, Monitor did have direct communication with the relevant Primary Care Trusts during the assessment process. I attach for the Investigation copy communication (including file notes of meetings) between Monitor and the PCTs concerned, namely, NHS North West, NHS Cumbria and North Lancashire Teaching PCT. This communication spans from March 2009 to September 2010. Please observe that the note of the meeting with NHS North West is dated 17 March 2010 in error; Miranda Carter explains this in her letter to the Investigation of 3 December 2014.

The Investigation will note from this documentation the issues discussed and noted. The Investigation will also observe from Victoria Woodhatch's e mail of 16 September 2010 to North Lancashire Teaching PCT, that Monitor did ask the PCT to volunteer any further relevant feedback on the Trust as time had elapsed since the meetings earlier that year. I understand that the PCT did not offer further information.

I hope this is helpful to the Investigation. Do please get in touch in the event that we may be able to provide further clarification.

Kind regards.

Kate Moore | Executive Director of Legal Services

Monitor

Direct Line: [REDACTED] Mobile: [REDACTED] | www.monitor-nhsft.gov.uk
Wellington House, 133-135 Waterloo Road, London, SE1 8UG

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From: Correspondence MB [<mailto:correspondence@mbinvestigation.org>]

Sent: 30 December 2014 16:04

To: Kate Moore

Subject: The Morecambe Bay Investigation

Dear Kate,

Please find attached a letter from Oonagh McIntosh, Secretary to the Investigation and confidentiality undertaking.

Kind regards


PA/Executive Secretariat Support, Morecambe Bay Investigation

Third Floor – Park Hotel, East Cliff, Preston, PR1 3EA

E: @mbinvestigation.org | T:01772 536376

(Postcode for Sat Nav systems PR1 3JT)

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From: Kate Moore [REDACTED]
Sent: 08 January 2015 13:56
To: Correspondence MB
Subject: RE: The Morecambe Bay Investigation

For the attention of Oonagh McIntosh

Dear Oonagh,

As ever, good to speak a little earlier and wishing you a happy new year and a successful closing stage to the Investigation!

We discussed paragraph four of the Confidentiality Agreement the Investigation wishes all witnesses to sign in relation to the potential issue of warning letters. Since the Investigation is not part of any court or tribunal proceeding and in consequence, no judicial power of the state is being exercised, I do question whether technically contempt of court proceedings could be brought in the event of a breach of the said Agreement. I raise this only because Monitor colleagues need to feel comfortable with what they are being asked to sign, and as their adviser, I too need to feel this as I would be bound by the terms of the Agreement. It goes without saying that the relevant Monitor employees completely accept the imperative for confidentiality and will uphold this. In light of this, would the Investigation be content with a minor amendment to the Agreement so that the reference to contempt proceedings is dropped and paragraph four reads as follows:

"I understand that a breach of this agreement and the undertakings referred to therein, could result in court proceedings being brought against me."

I look forwards to hearing from you.

Kind regards,

Kate Moore | Executive Director of Legal Services

Monitor

Direct Line [REDACTED] Mobile [REDACTED] www.monitor-nhsft.gov.uk
Wellington House, 133-155 Waterloo Road, London, SE1 8UG

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THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Dr William Moyes

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

16 February 2015

Dear Dr Moyes,

THE MORECAMBE BAY INVESTIGATION

I refer to previous correspondence, most recently your letter dated 9 February 2015.

I do not recognise the account that you give of previous events, and I do not believe that it is supported by any reasonable interpretation of the exchange of letters to date. Contrary to your assertion that I have failed to indicate "in general terms the areas on which [interviewees] will be expected to give evidence", I set out the general areas that we would seek to explore with you in correspondence, as I have done with other interviewees. You say that you found this not to be "a persuasive indication of topics where useful evidence could have been taken from me that was unlikely to be obtainable from other witnesses"; I reiterate that I think that is properly a matter for the Investigation to determine and not to have to persuade individual interviewees on.

You say that I have chosen not to respond to your request to see any proposed reference to you in the Investigation Report, but I have previously responded that I consider that a record that you did not attend for interview is not a judgement determined by the appraisal of evidence we have seen and heard concerning the events surrounding the University Hospitals of Morecambe Bay NHS Foundation Trust, it is simply based on what you told me in correspondence.

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

.Nevertheless, in the interests of extending you every opportunity to comment, I am prepared to share with you the extract from an appendix to the Report in which we record interviewees:

"Invited to attend for interview but did not: Dr W Moyes"

Footnote

" Former Executive Chair of Monitor. We attach by agreement the most recent letter from Dr Moyes setting out his reasons for declining to be interviewed."

In fairness to you, as you will see from the footnote, we have offered to annex one of your letters setting out your reasons for not being interviewed (all personal contact information will of course be redacted). We think it would be disproportionate to allow anything further. If you would like to return any observations on this by Wednesday 18 February 2015, I will of course take your views into account, but I hope you will appreciate that time is now limited. We would also be grateful if you could confirm your agreement to annex the above letter of 9 February 2015.

If the offer to annex is declined, then I will simply truncate the footnote after the first full stop.

Yours sincerely,

BILL KIRKUP CBE

WILLIAM & [REDACTED] MOYES

Dr Bill Kirkup CBE,
Chairman, the Morecambe Bay Investigation,
3rd Floor, Park Hotel,
East Cliff,
Preston,
Lancashire PR1 3 EA,

23, February, 2015

Dear Dr Kirkup,

I refer to your letter of 20 February, which I received by e-mail today.

The redaction of my personal contact details and signature is sensible. If you were to decide to leave the printed version of my name at the bottom of the letter, I would have no objection. But, if you prefer that it be redacted, I would equally not object.

I have no other redactions to suggest.

Yours sincerely,

William Moyes (Dr.)