

# THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Mr A Bennett  
Chief Officer  
NHS Lancashire North CCG  
Moor Lane Mills  
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East Cliff  
Preston  
Lancashire  
PR1 3EA

6<sup>th</sup> January 2014

Telephone: 01772 536376  
Email: [correspondence@mbinvestigation.org](mailto:correspondence@mbinvestigation.org)

Dear Mr Bennett,

## DOCUMENTS AND EVIDENCE REQUIRED BY THE MORECAMBE BAY INVESTIGATION

As you will 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. I have enclosed a copy of the terms of reference with this letter for your information.

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

This letter sets out the evidence required from NHS Lancashire North Clinical Commissioning Group (CCG). 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 Lancashire North CCG 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 NHS Lancashire North CCG in providing material as swiftly as possible.

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

Much of the evidence being sought is likely to be historical covering the period before the CCG was established and we are seeking this from other sources. You are therefore only being asked to provide information relevant to the Investigation for the period 1 April and 30 June 2014. However, should you hold any historical information relating to maternity and neonatal services at the Trust, the Investigation would be grateful to receive it.

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](mailto:paul.roberts@mbinvestigation.org)  
[REDACTED] T: 01772 536390 E: [REDACTED]@mbinvestigation.org

Yours sincerely,

[REDACTED]  
**OONAGH McINTOSH**  
**SECRETARY TO THE INVESTIGATION**

Enc: MBI Terms of reference

## Annex A

1. The evidence required from NHS Lancashire North CCG should cover the period from 1 April - 30 June 2013, and should include any information that was known and is pertinent to the Investigation during the transition period e.g. during the period that the NHS Commissioning Board Special Health Authority was in existence and since the NHS Commissioning Board/NHS England were established, whilst the CCG was itself being established.
2. The CCG's definition of both an incident and a serious untoward incident (SUI) for the period 1 April to 30 June 2013.
3. A list of all incidents and serious untoward incidents for the period 1 April to 30 June 2013 that the CCG were advised of by the Trust.
4. The CCG's policies and procedures for responding to serious untoward incidents (such as, but not limited to, the death of a mother or baby) that they were advised of. Please also include the associated governance procedures the CCG had in place for the period 1 April to 30 June 2013.
5. A record of the Trust Board's reporting and actions in response to incidents and serious untoward incidents relating to the deaths of mothers and babies for the period 1 April to 30 June 2013 that the CCG were advised of.
6. Information should also be provided that was provided to the CCG from those Trusts to which mothers and/or babies were transferred and any other relevant organisations.
7. A list of all cases of maternal, still birth or neonatal death that occurred in the Trust from 1 April to 30 June 2013 that the CCG was advised of.
8. As far as the CCG can ascertain the information, a list of cases of maternal, stillbirth or neonatal death that occurred following transfer of a mother, baby or mother and baby to another unit from 1 April to 30 June 2013.
9. Any information provided to the CCG by the Trust and/or prepared by the CCG in response to relevant investigations published by the Parliamentary and Health Service Ombudsman including: minutes of meetings, letters, e-mail exchanges and notes of telephone conversations.
10. Any information provided to the CCG during transition and subsequently to demonstrate the Trust's actions in response to, and any subsequent actions taken following receipt of, the following reports:
  - Monitor's review of the Trust's application for FT status (April 2010), October 2010;
  - The Fielding Report, August 2010;
  - Central Manchester University Hospital Diagnostic Review, December 2011;
  - PWC Governance Review, February 2012;
  - Gold Command Stocktake, April 2012;
  - Care Quality Commission (CQC) Investigation Report, July 2012;
  - Nursing and Midwifery Council (NMC) Review, July 2012; and
  - The NHS Litigation Authority's Clinical Negligence Scheme for Trusts (CNST) reports.

11. Any evidence provided to the CCG during transition and since its establishment, to demonstrate the Trust's actions in response to, and any subsequent actions taken following receipt of, the following report:
  - Review of Perinatal Mortality in Cumbria February 2013
12. Evidence of Minutes of the Maternity Services Liaison Committee for the period 1 April 2013 to 30 June 2013.
13. All reports about quality that the Trust prepared, discussed with the CCG, submitted to them and published during the period 1 April to 30 June 2013 and all related correspondence.
14. Any other information that you consider may be relevant to the Investigation in meeting its terms of reference.

# **THE MORECAMBE BAY INVESTIGATION**

Chaired by Dr Bill Kirkup CBE

Mr A Bennett  
Chief Officer  
NHS Lancashire North CCG  
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Lancaster  
LA1 1QD

3<sup>rd</sup> Floor  
Park Hotel  
East Cliff  
Preston  
Lancashire  
PR1 3EA

19 May 2014

Dear Mr Bennett,

## **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.

I would appreciate it if you would supply the outstanding material to the Morecambe Bay Investigation by 6 June 2014.

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

Telephone: 01772 536376

Email: [correspondence@mbinvestigation.org](mailto: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 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](mailto:paul.roberts@mbinvestigation.org)

Yours sincerely,

**OONAGH McINTOSH**  
**SECRETARY TO THE INVESTIGATION**

cc. Margaret Williams

## **Annex A – Outstanding evidence**

1. All reports about quality that the Trust prepared, discussed with the CCG, submitted to them and published during the period 1 April to 30 June 2013, and all related correspondence. (item 13 in the original request)