

THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Mr Niall Dickson
Chief Executive
General Medical Council
350 Euston Road
London
NW1 3JN

3rd Floor
Park Hotel
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Telephone: 01772 536376

Email: correspondence@mbinvestigation.org

6th January 2014

Dear Mr Dickson,

DOCUMENTS AND EVIDENCE REQUIRED BY THE MORECAMBE BAY INVESTIGATION

The Chairman of the Morecambe Bay Investigation, Dr Bill Kirkup's letter of 10th December 2013 refers.

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

This letter sets out the evidence required from The General Medical Council (GMC). Further requests may be made at a later date.

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

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

- Searchable PDF
- Word
- Excel

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

Management of evidence by the Investigation

The Investigation recognises that the GMC 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 the GMC in providing material as swiftly as possible.

The evidence required for the Investigation from the GMC 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,

[REDACTED]

OONAGH McINTOSH
SECRETARY TO THE INVESTIGATION

Annex A

1. A copy of the GMC's policy/policies on handling complaints made against doctors during the period 1 April 2004 to 30 June 2013.
2. All records that the GMC hold regarding incidents and serious untoward incidents (SUIs) that occurred at the Trust between 1 April 2004 and 30 June 2013 in maternity and neonatal services resulting in the deaths of mothers and/or babies and/or intrapartum injuries that were notified to the GMC by individual doctors, the Trust, the North West Strategic Health Authority, the Department of Health, Cumbria Constabulary, NHS England, any other regulatory authority or a member of the public. It would assist the Investigation if the GMC has any such relevant material if it can be provided on a case by case basis. This should include:
 - minutes of any relevant meetings, discussions that took place with operational and clinical staff and at Divisional level, letters, e-mail exchanges and notes of any telephone conversations between staff at the Trust that are pertinent and relevant to the specific case that the GMC had access to
 - letters, e-mail exchanges and notes of any telephone conversations between staff at the Trust and individuals employed by or representing the North West Strategic Health Authority, Cumbria Primary Care Trust (PCT), North Lancashire Primary Care Trust (and its predecessor PCTs (Morecambe Bay PCT, Fylde PCT and Wyre PCT), successor Clinical Commissioning Groups (NHS Cumbria CCG and NHS Lancashire North CCG), NHS England, and the Department of Health, that were made available to the GMC.
3. Copies of correspondence regarding all complaints made to the GMC regarding the standard of care delivered by any doctor registered with them who was employed at the Trust from 1 April 2004 to 30 June 2013 including the details of all investigations undertaken by the GMC, details of any disciplinary action taken or additional training provided to individual doctors and how any recommendations for changes to existing practices were disseminated to registered doctors.
4. Copies of reports and investigations carried out by the GMC made in response to concerns raised within the GMC or by any other individual or organisation regarding the standard of care delivered by medical staff in the maternity and neonatal units at the Trust.
5. Correspondence between the GMC in respect of any Reports published by any other organisation regarding individual incidents and/or the standard of care delivered by staff in the maternity and neonatal units at the Trust.

6. Any other material collected or held by the GMC that it considers would assist the independent investigation address its terms of reference in full.

3 April 2014

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

Dear Oonagh

Submission of GMC evidence

It was good to meet you and Paul on 11 March and thank you very much for taking the time to come in and meet with us. We found the discussion and your assurances regarding your information handling protocols very helpful.

Further to our discussion, we can confirm that, subject to any patient consent issues as referred to under the first heading below, it is our intention to provide you with the following categories of documentation and information in respect of GMC investigations relating to University Hospitals of Morecambe Bay Trust (UHMBT) during the period in question (so far as we are able to do so):

Category 1 documentation

We are in the process of collating the following documentation relating to maternity and neo-natal care cases at UHMBT:

The complaint or referral to the GMC; any correspondence between the GMC and the Trust, including SUIs but excluding medical records; the GMC or Fitness to Practice Panel (FTPP) decision on the outcome of the case; and any subsequent correspondence with the Trust.

The above documents will be redacted in respect of any contact details relating to the doctor, patient or complainant, but we understand that you will need doctor, patient and complainant identities in order to read this evidence in conjunction with the evidence you are receiving from other sources. We will not, therefore, be redacting this information, save in respect of any information as to the doctor's health given the restrictions on the processing of sensitive personal data.

In view of the purpose of the Investigation and the fact that (as outlined in your letter dated 6 January to us) disclosure of the relevant documents will be restricted to the Investigation and subject to appropriate safeguards, we consider that it is in

the public interest to disclose these documents to you and that we may do so under the Medical Act 1983. However, we also consider that, under paragraph 2 of the Data Protection (Processing of Sensitive Personal Data) Order 2000, we are obliged to seek consent from the patients and families whose sensitive personal data we will be releasing. We will give two weeks for reply and will make it clear in our communications with the families that, in the absence of consent, we may still decide that it is in the public interest to proceed with disclosure.

Additionally, we will notify the doctors concerned that we are releasing details of their cases to you.

We estimate that we will be in a position to send you a list of the Category 1 cases by 11 April and copies the relevant documents by 2 May.

Category 2 information

We are also in the process of collating the following summaries relating to non-maternity and neo-natal clinical cases at UHMBT:

GMC case number, anonymised doctor ID (for which we will retain a key should further information be requested), unit location, referral source, incident and case dates, incident/SUI details, allegations (category, type, sub-type) and outcome.

We estimate that we will be in a position to send you the above summaries by 11 April and will consider any request for further information on a case by case basis.

Category 3 information

We are also in the process of collating the following summaries in relation to non-clinical cases at UHMBT:

GMC case number, anonymised doctor ID (for which we will retain a key should further information be requested), unit location, incident and case dates, allegations (category, type, sub-type) and outcome.

We estimate that we will be in a position to send you the above summaries by 11 April and will consider any request for further information on a case by case basis.

Other documentation and information

As requested, we will also provide you with our current and historic policy documents relating to our handling of GMC investigations.

We will endeavour to provide you with the above documentation and information by 11 April.

In the meantime, we note your statement in your letter dated 6 January⁴ that:

"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."

Our interpretation of the above, and of our discussion during the meeting, is that the documentation and information we provide to you will not be disclosed by the Investigation to any third party, whether by way of FOI request or otherwise. Further, we understand that, during the oral evidence sessions, the Investigation will not name doctors or patients in the course of questioning and will be mindful of potential data protection issues when phrasing its questions. We would also like to seek your reassurance that, if any FOI requests in relation to the interview transcripts of any GMC witnesses are received, you will consult with us before making any FOI disclosures and consider our views before responding.

We should also be grateful if you could confirm whether it would be the Investigation's intention to send a copy of its final Report to the GMC, and how the Investigation will handle any FOI requests in relation to the Report.

Finally, we will be providing all documentation and information to you through a secure portal, which my colleague, Rebecca Turner, will arrange with you, and we would also ask that the interview transcripts of any GMC witnesses be sent to us via the same means. As discussed, should you require further information following your review of the above documents, we will endeavour to respond to any requests as quickly as possible.

Please do not hesitate to be in touch should you wish to discuss any of the above and I look forward to hearing from you to confirm our understanding of the Investigation's handling of the documents and information that we will be providing to you.

Yours sincerely,

Anthony Egerton
Assistant Director, Fitness to Practise

Email: [REDACTED]

Telephone: [REDACTED]

THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Mr Niall Dickson
Chief Executive
General Medical Council
350 Euston Road
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PR1 3EA

19 May 2014

Dear Mr Dickson,

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

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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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

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 General Medical Council (GMC) 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 the GMC 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 the GMC 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. 

Annex A – Outstanding evidence

The numbered points below refer to the numbers in the original request for evidence.

2. All records that the GMC hold regarding incidents and serious untoward incidents (SUIs) that occurred at the Trust between 1 April 2004 and 30 June 2013 in maternity and neonatal services resulting in the deaths of mothers and/or babies and/or intrapartum injuries that were notified to the GMC by individual doctors, the Trust, the North West Strategic Health Authority, the Department of Health, Cumbria Constabulary, NHS England, any other regulatory authority or a member of the public. It would assist the Investigation if the GMC has any such relevant material if it can be provided on a case by case basis. This should include:

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- letters, e-mail exchanges and notes of any telephone conversations between staff at the Trust and individuals employed by or representing the North West Strategic Health Authority, Cumbria Primary Care Trust (PCT), North Lancashire Primary Care Trust (and its predecessor PCTs (Morecambe Bay PCT, Fylde PCT and Wyre PCT), successor Clinical Commissioning Groups (NHS Cumbria CCG and NHS Lancashire North CCG), NHS England, and the Department of Health, that were made available to the GMC.

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4. Copies of reports and investigations carried out by the GMC made in response to concerns raised within the GMC or by any other individual or organisation regarding the standard of care delivered by medical staff in the maternity and neonatal units at the Trust.

5. Correspondence between the GMC in respect of any Reports published by any other organisation regarding individual incidents and/or the standard of care delivered by staff in the maternity and neonatal units at the Trust.

Keuneman, Jessie

From: Tom Russell [REDACTED]
Sent: 20 June 2014 08:38
To: McIntosh, Oonagh; [REDACTED]
Cc: Anthony Egerton; [REDACTED]
Subject: GMC case bundles

Oonagh [REDACTED]

Following the initial list of cases that we sent over to you, we have now also transferred supporting documentation on these cases into your SFTS account. We have created a bundle with a cover sheet for all of the enquiries and cases from list 1 (those involving neo-natal or maternal care) and also two bundles linked to cases in list 2 where there had been communication with the Trust around an SUI. Each cover sheet shows the enquiry number or case number as relevant, which should allow you to match with the lists.

For completeness and openness we wanted to confirm that we have not elected to disclose a complaint which was made against the doctor who authored the initial report into problems as the Trust. We consider that matter to be out of scope not least because we understand the doctor was not employed by the Trust. Should you consider it necessary for us to provide information about that complaint do let us know.

Please let us know if you require any further information or instruction.

Thanks,

Tom

Tom Russell
Head of Change, Quality and Information
Fitness to Practise
General Medical Council
3 Hardman Street
Manchester
M3 3AW
Tel: [REDACTED]

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General Medical Council

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