

THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

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6th January 2014

Dear Ms Dixon,

DOCUMENTS AND EVIDENCE REQUIRED BY THE MORECAMBE BAY INVESTIGATION

As you may be aware, the Secretary of State for Health announced the terms of reference for an independent investigation into Maternity and Neonatal Services at the University Hospitals of Morecambe Bay NHS Foundation Trust (the Trust) on 12 September, and Dr Bill Kirkup CBE was appointed as the Investigation's Chairman. I have enclosed a copy of the terms of reference with this letter for your information.

This letter sets out the evidence required from the NHS Litigation Authority (NHSLA). 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 NHSLA 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 NHS Litigation Authority in providing material as swiftly as possible.

The evidence required for the Investigation from the NHS Litigation Authority 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

Enc. Terms of Reference

Annex A

1. The NHSLA's definition(s) of both an incident and a serious untoward incident (SUI) for the period 1 January 2004 to 30 June 2013.
2. A list of all such incidents and serious untoward incidents for the period 1 January 2004 to 30 June 2013 that were referred to the NHSLA following a claim for compensation against the Trust.
3. Any correspondence between the NHSLA and the Trust with regard to 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 January 2004 to 30 June 2013 that have resulted in a claim for compensation being made against the Trust.
4. Any correspondence between the NHSLA and any other Trust to which patients were transferred from the University Hospitals of Morecambe Bay NHS Foundation Trust, where an incident or serious untoward incident relating to the death of mothers and/or babies occurred for the period 1 January 2004 to 30 June 2013, and which resulted in a claim for compensation being made against the Trust.
5. Any copies of the Trust's Clinical Negligence Scheme for Trusts (CNST) reports other than those already provided to the Investigation (April 2008; February 2011; and February 2013).
6. Any record of the Trust Board's actions in responses to, and any subsequent actions taken following receipt of, the following reports.
 - The NHS Litigation Authority's CNST reportsthat the NHSLA was made aware of.
7. Any other information you consider may be relevant to the Investigation in fulfilling its terms of reference.