

# THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

Sir David Nicholson  
Chief Executive  
NHS England  
Quarry House  
Quarry Hill  
Leeds  
LS2 7UE

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

6<sup>th</sup> January 2014

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

Dear Sir David,

## DOCUMENTS AND EVIDENCE REQUIRED BY THE MORECAMBE BAY INVESTIGATION

The Chairman of the Morecambe Bay Investigation, Dr Bill Kirkup's letter of 17<sup>th</sup> October 2013 refers.

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

This letter sets out the evidence required from NHS England. 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 NHS England 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 NHS England in providing material as swiftly as possible.

The evidence required for the Investigation from NHS England 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 NHS England was established, and you are being asked to source and provide information during the transition period from the predecessor organisations – the NHS Commissioning Board and the NHS Commissioning Board Special Health Authority. Within the context of the evidence being sought, reference to NHS England includes the two transitional organisations. The Investigation recognises that historical data from the Strategic Health Authority and Primary Care Trusts (prior to the transitional period) is being

held by the Department of Health. Relevant and pertinent information will be sought from the Department.

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**

cc. ANTHONY KEALY – HEAD OF PARTNERSHIPS

## Annex A

1. The evidence required from NHS England should cover the period from 1 April - 30 June 2013. It should also 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 was established.
2. A list of all cases of maternal, still birth 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 April to 30 June 2013 that were reported to NHS England.
3. As far as NHS England 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 organisation from 1 April to 30 June 2013.
4. NHS England's policies and procedures for responding to serious untoward incidents (such as, but not limited to, the death of a mother or baby) reported to them. Please also include the associated governance procedures NHS England had in place for the period 1 April to 30 June 2013.
5. NHS England's definitions of both an incident and a serious untoward incident (SUI) for the period 1 April to 30 June 2013.
6. A list of all such incidents and serious untoward incidents for the period 1 April to 30 June 2013 reported to NHS England by the Trust, including, but not limited to, maternity and neonatal services.
7. Any 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 were notified to NHS England.
8. Any information provided to NHS England by the Trust in response to relevant investigations published by the Parliamentary and Health Service Ombudsman.
9. Any information provided to NHS England during transition and subsequently to demonstrate the Trust's actions in responses 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.
10. Any evidence provided to NHS England during transition and since its establishment, to demonstrate the Trust's actions in responses to, and any subsequent actions taken following receipt of, the following report:
- Review of Perinatal Mortality in Cumbria February 2013
11. Minutes of the Maternity Services Liaison Committee for the period 1 April 2013 to 30 June 2013.
12. All quality reports the Trust prepared, discussed with NHS England, submitted to them and published during the period 1 April to 30 June 2013 and all related correspondence.
13. 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

Simon Stevens  
Chief Executive  
NHS England  
Quarry House  
Quarry Hill  
Leeds  
LS2 7UE

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

16 May 2014

Dear Mr Stevens ,

## **Outstanding evidence for the Morecambe Bay Investigation**

Further to my letter of 6 January 2014 to your predecessor Sir David Nicholson, 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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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*

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

Yours sincerely,

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

cc. Anthony Kealy

## **Annex A – Outstanding evidence**

1. The evidence required from NHS England should cover the period from 1 April - 30 June 2013. It should also 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 was established.
2. Any 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 were notified to NHS England. (7 in the original request)
3. Any information provided to NHS England by the Trust in response to relevant investigations published by the Parliamentary and Health Service Ombudsman. (8 in the original request)
4. Any evidence provided to NHS England during transition and since its establishment, to demonstrate the Trust's actions in responses to, and any subsequent actions taken following receipt of, the following report:
  - Review of Perinatal Mortality in Cumbria February 2013 (10 in the original request)



# **THE MORECAMBE BAY INVESTIGATION**

Chaired by Dr Bill Kirkup CBE

Professor Sir Bruce Keogh  
Medical Director  
NHS England  
Quarry House  
Quarry Hill  
Leeds  
LS2 7UE

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

7 November 2014

Dear Sir Bruce,

## **EVIDENCE FOR THE MORECAMBE BAY INVESTIGATION**

Thank you for giving your time recently to be interviewed by the Chairman and Panel of experts, as part of the investigation into maternity and neonatal services at University Hospitals of Morecambe Bay NHS Foundation Trust.

Before you left the interview, you provided a copy of the quarterly hospital standardised mortality rates for the period 2011/12 – 2014/15 (Q1), which I understand had been made available to you as part of your briefing pack.

The Chairman has requested if similar information is available for the period prior to May 2011 and if so, could you provide a copy for the investigation.

I would be grateful if you could liaise with the Investigation's Documents and Evidence Manager, Paul Roberts, at [paul.roberts@mbinvestigation.org](mailto:paul.roberts@mbinvestigation.org) or by telephone on 01772 536401 regarding providing the information to the investigation.

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

Yours sincerely,

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

cc

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*

# **THE MORECAMBE BAY INVESTIGATION**

Chaired by Dr Bill Kirkup CBE

Professor Sir Bruce Keogh

By email

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

14 November 2014

Dear Sir Bruce,

## **EVIDENCE FOR THE MORECAMBE BAY INVESTIGATION**

Thank you for attending Park Hotel recently for an interview with the Panel of the Morecambe Bay Investigation.

During the interview you referred to a letter sent from Sir David Nicholson, Chief Executive of the National Health Service to Mike Farrar, Chief Executive of the then North West Strategic Health Authority, regarding the Assurance Report on the former North West Strategic Health Authority.

The Investigation Secretariat have searched through the evidence provided by the Department of Health, in their role as legacy body for the abolished organisations, including the North West Strategic Health Authority, and have been unable to locate a copy of the letter.

You kindly offered to provide a copy of the letter if the Investigation was unable to locate one. It would therefore be appreciated if you were able to provide a copy.

You also made reference to "guidance on setting up risk summits" which was issued to the NHS during your time as Medical Director. The Investigation has been able to locate a copy of that document.

I hope you will be in a position to send the information to the Investigation as soon as possible. The Information should be sent to the Investigation's Documents and Evidence Manager, Paul Roberts.

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*

Should you have any queries please do not hesitate to contact Paul on  
[Paul.Roberts@mbinvestigation.org](mailto:Paul.Roberts@mbinvestigation.org)

Yours sincerely,

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

[REDACTED]

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**From:** Roberts, Paul  
**Sent:** 18 November 2014 12:33  
**To:** [REDACTED] Correspondence MB  
**Cc:** Keogh Bruce (NHS ENGLAND)  
**Subject:** RE: Morecambe Bay Investigation

[REDACTED]

Thank you for coming back to us. We will very kindly accept all five of the documents you are offering. We had specifically request items 2 and 3 on the list, but I understand that at interview, Sir Bruce said he would give thought to other relevant material. The additional material, will, I'm sure, benefit the Chairman and Panel of experts.

I'd be grateful if you were able to let the Investigation have the material as soon as possible.

Regards,  
Paul

## MORECAMBE BAY INVESTIGATION

**Paul Roberts**  
**Documents & Evidence Manager**  
Morecambe Bay Investigation  
3rd Floor  
Park Hotel  
East Cliffe  
Preston PR1 3EA  
(Postcode for Sat Nav PR1 3JT)

T: 01772 536401  
M: [REDACTED]  
E: paul.roberts@mbinvestigation.org

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**From:** [REDACTED] (NHS ENGLAND) [REDACTED]  
**Sent:** 18 November 2014 11:34  
**To:** Correspondence MB  
**Cc:** Roberts, Paul; Keogh Bruce (NHS ENGLAND)  
**Subject:** RE: Morecambe Bay Investigation

Dear [REDACTED]

I am replying to the letter sent on 14 November from Oonagh McIntosh. In the letter Oonagh requests only a letter from David Nicholson and the guidance on the risk summits.

I was under the impression that the Chair would like the following documents

- 1) Witness statement
- 2) HSMR data trends for UHMB
- 3) Letter from David Nicholson to the NW SHA following the assurance visit
- 4) Copy of the sub to SofS regarding UHMB's application to become an FT
- 5) Details on the operation of Quality Surveillance Groups, and Risk Summits. links to guidance 2x

Please could you clarify which documents you would like and I will arrange for them to be sent over as soon as possible.

Kind Regards

[REDACTED]  
Office of the National Medical Director NHS England

t: +44 [REDACTED] m: +44 [REDACTED] e: [REDACTED]

To find out more on A Call to Action, including how you can participate, please visit our website:  
<http://www.nhs.uk/NHSEngland/thenhs/about/Pages/a-call-to-action.aspx>

*High quality care for all, now and for future generations*

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

**Sent:** 14 November 2014 14:19

**To:** Keogh Bruce (NHS ENGLAND)

**Cc:** Roberts, Paul

**Subject:** Morecambe Bay Investigation

Dear Sir Bruce,

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

Kind regards

[REDACTED]  
PA/Executive Secretariat Support, Morecambe Bay Investigation

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

E: [REDACTED] | T:01772 536376

**(Postcode for Sat Nav systems PR1 3JT)**

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# **THE MORECAMBE BAY INVESTIGATION**

Chaired by Dr Bill Kirkup CBE

Ms Jane Cummings  
Chief Nursing Officer  
NHS England  
Quarry House  
Quarry Hill  
Leeds  
LS2 7UE

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Park Hotel  
East Cliff  
Preston  
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By email

26 November 2014

Dear Ms Cummings,

## **EVIDENCE FOR THE MORECAMBE BAY INVESTIGATION**


During your recent interview with the Chairman and Panel, I understand you made reference to the use of a Quality Indicator Scorecard (QIS), which the Strategic Health Authority previously used as the main means for monitoring organisational quality.

The Chairman has asked for the Investigation to obtain a copy of the relevant scorecard(s). I would be grateful if you were able to provide the Investigation with a copy of the relevant QIS or advise me where copies might be obtained.

Should you need to discuss this further, I can be contacted on 01772 536401 or by email at [paul.roberts@mbinvestigation.org](mailto:paul.roberts@mbinvestigation.org).

I look forward to hearing from you, hopefully in the near future.

Yours sincerely,

  
**PAUL ROBERTS**  
**DOCUMENTS AND EVIDENCE MANAGER**

cc. Anthony Kealy

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*

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**From:** McIntosh, Oonagh  
**Sent:** 11 February 2015 09:10  
**To:** Kealy, Anthony  
**Cc:** Roberts, Paul  
**Subject:** THE MORECAMBE BAY INVESTIGATION - URGENT REQUEST FOR ADDITIONAL MATERIAL

Anthony,

I hope you are well – although I feel sure you and colleagues are extremely busy?

The Investigation Chairman is currently finalising his Report and it has to be submitted to the Secretary of State very shortly.

In order to fully address term of reference 5 “..... to assess and make findings as to the Trust’s ability to discharge its duties in delivering maternity services.” Dr Kirkup considers that should see the Trust’s most recent STEIS reports submitted to NHS England so that he is aware of the type of information that is being supplied.

The Investigation Panel interviewed the Trust Board in October and discussed the situation at that time however as the Report is being finalised some months after that discussion, the Chairman considers that he should be aware of the most recent reports.

The Trust are aware the Investigation is seeking this information.

As you will understand the investigation is now working to an extremely tight timetable and this information is required as a matter of urgency. – ideally by close of play today or midday tomorrow.

Can you confirm receipt of this e-mail and liaise with Paul Roberts, the investigation’s Documents and Evidence Manager, to arrange secure delivery, please?

I am sorry this request has arrived so late. The Investigation would appreciate a swift response from NHS England colleagues.

Thank you.

With best wishes,

Oonagh.

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