

## **NHS GGC COVER PAPER**

<b>NHS Greater Glasgow and Clyde</b>	<b>Paper No. 21/27</b>
<b>Meeting:</b>	<b>NHS Board</b>
<b>Meeting Date:</b>	<b>29 June 2021</b>
<b>Title:</b>	<b>QEUH/RHC Update</b>
<b>Sponsoring Director/Manager:</b>	<b>Chief Executive</b>
<b>Report Author:</b>	<b>Head of Corporate Governance</b>

### **1. Purpose**

**The purpose of the attached paper is to:**

- Update the Board on the position in respect of a range of issues regarding the Queen Elizabeth University Hospital (QEUH) and Royal Hospital for Children (RHC).

### **2. Executive Summary**

**The paper can be summarised as follows:**

The paper describes

- The establishment of the Action and Assurance Group (AARG) replacing the previous Oversight Board and chaired by Prof Amanda Croft, Chief Nurse.
- The progress with the Public Inquiry and future hearings.
- The current position of the Legal Claim.
- Wards 2A/B refurbishment.
- The HSE Appeal position.

### **3. Recommendations**

There are no formal recommendations within the paper.

#### 4. Response Required

This paper is presented for assurance.

#### 5. Impact Assessment

The impact of this paper on NHSGGC's corporate aims, approach to equality and diversity and environmental impact are assessed as follows:

- |                        |                 |
|------------------------|-----------------|
| • Better Health        | <u>Positive</u> |
| • Better Care          | <u>Positive</u> |
| • Better Value         | <u>Neutral</u>  |
| • Better Workplace     | <u>Positive</u> |
| • Equality & Diversity | <u>Neutral</u>  |
| • Environment          | <u>Neutral</u>  |

#### 6. Engagement & Communications

**The issues addressed in this paper were subject to the following engagement and communications activity:** The issues described within the paper are subject to wide engagement across the organisation with each aspect led by a Corporate Director.

#### 7. Governance Route

**This paper has been previously considered by the following groups as part of its development:** The issues described have been considered by the Executive Oversight Group, chaired by the Chief Executive on a fortnightly basis, onwards to the Corporate Management Team monthly and the Finance Planning and Performance Committee on 15<sup>th</sup> June.

#### 8. Date Prepared & Issued

Prepared 21 June 2021 and circulated 25 June 2021

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**1. Introduction**

This paper is presented to the Board to update members on the position regarding a number of issues related to the Queen Elizabeth University Hospital (QEUH) and the Royal Hospital for Children (RHC). It is provided to the committee for the purposes of information and assurance.

**2. Background**

Board members will be familiar with the issues in respect of the QEUH and the RHC subsequent to Level 4 Escalation on the Scottish Government's Performance Framework, the lodging of Legal action against Multiplex, Currie and Brown and Capita, the Scottish Hospitals Public Inquiry, the position in respect of 2A/B and the ongoing HSE Appeal. This paper provides an update.

**3. Assessment****3.1. Oversight Board**

3.1.1 The Board received an update at the April meeting in respect of the Oversight Board Report and the Case Note Review Report, both published on 22<sup>nd</sup> March 2021. It was highlighted that a comprehensive action plan to address all the recommendations, including those of the Independent Review led by Drs Montgomery and Fraser, had been put in place to address the issues described. A specific delivery group (Gold Command), chaired by the Chief Executive, has been established to provide updates to the Corporate Management Team and, in turn, to

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the appropriate governance committee of the NHS Board to ensure focused work is undertaken on all of the recommendations. The Finance Planning and Performance Committee (FP&P) will oversee delivery of the overall plan. A presentation detailing action to date was presented to the Committee.

3.1.2 The Scottish Government has established the Advice Assurance and Review Group (AARG) which replaces the Oversight Board structure. The first meeting took place on the 7<sup>th</sup> June, chaired by the Chief Nurse, Professor Amanda Croft, who was supported by a number of Scottish Government colleagues. NHS GGC representation included Jane Grant, Chief Executive and corporate colleagues responsible for the delivery of the recommendations across the reports. The Terms of Reference were approved with a further meeting being scheduled. Overall, the AARG were content with the plans and indicated that they considered excellent progress had been made at this stage.

### **3.2. Public Inquiry**

3.2.1 The Scottish Hospitals Public Inquiry (the Inquiry) was launched in August 2020. On 19<sup>th</sup> January 2021 Lord Brodie announced timescales for 2021 and on the 1<sup>st</sup> February 2021 issued core participants with formal evidence requests.

3.2.2 Lord Brodie and some of the Inquiry Team visited the QEUH and RHC on Wednesday 23<sup>rd</sup> June, the purpose of which was to orientate themselves with the site and some of the services provided. Lord Brodie met with the Chairman and Chief Executive at the end of the visit where the supportive and proactive approach that GGC is taking to the Public Inquiry was emphasised.

3.2.3 The first formal hearing of the Inquiry took place on Tuesday 22<sup>nd</sup> June 2021. This was a procedural hearing and can be viewed on the Public Inquiry YouTube channel <https://www.youtube.com/channel/UCSZ-PcFxijaBCjvTIPZIEHQ>. The first substantive hearings of the Inquiry will commence on Monday 20<sup>th</sup> September 2021 and will last for five weeks. The focus of this first set of hearings is to enable the Inquiry to understand the experiences of affected patients and their families and it is those patients and families who will form the core of those called upon to give evidence in person at the initial hearings.

3.2.4 It is likely that the next set of hearings will be scheduled for late 2021 /early 2022, with a procedural hearing ahead of that time. Further details of what will be covered and the programme for the hearings will be published in due course, however it has been indicated that the initial focus will be on the inquiry into the Royal Hospital for Children and Young People in Edinburgh.

3.2.5 Significant activity is underway to respond to the first information request received on 1st February around the 3 priority areas noted below;

- A/ Adequacy of ventilation, water contamination and other matters adversely impacting on patient safety and care.
- B/ Governance and Project Management.
- C/ Effects of the issues identified on patients and their families.

3.2.5 A number of meetings have been held with the dedicated team from the Central Legal Office and Inquiry Team Solicitors with documents now being transferred as requested in a coordinated manner. This is likely to continue for a number of months.

3.2.6 The Programme Management Office (PMO) resources have been increased with a single Project Team being created to manage both the Legal Claim and the Inquiry in light of the significant cross over in terms of issues, management and information. The Executive Oversight Group, chaired by the Chief Executive and attended by key Directors, meets fortnightly to ensure effective and swift decision making takes place.

### **3.3 Legal Claim**

3.3.1 The legal summons to defenders Multiplex Construction Europe Limited, BPY Holdings LP, Currie and Brown UK Ltd. and Capita Property and Infrastructure Ltd. was lodged on 22 January 2020. Action was lodged with the Court for calling on Monday 25th January 2021. The case has been remitted to the "Commercial Court". Hearings on preliminary points were heard on 26th February and 20th May 2021.

3.3.2 Prior to lodging the action in January 2021, MacRoberts LLP provided NHS GGC with legal advice notes on the prospects of success in relation to each of the claims in the Court Action. The legal advice notes incorporated preliminary expert reports by independent technical experts and indicated that there were grounds to continue to pursue across all heads of claim. There is regular exchange of information, review and decisions required to meet the defined timescale to prepare for the legal debate.

3.3.3 To date the Board has required to expend resources as a result of reactive maintenance and repairs and some specific rectification or risk mitigation works. Full rectification of the technical issues is complex, requiring careful planning, phasing and diligent qualitative review of proposals. Counsel opinion is being sought on the prospects of success in relation to each of the claims in the Court Action with feedback is expected in early July.

### **3.4 Ward 2A/2B**

The engineering systems re-fit and refurbishment of wards 2A and 2B is nearing completion and it is anticipated that it will be handed over to NHS GGC by September, although this date should be considered indicative at this stage. Thereafter, specialist independent commissioning and validation will take place prior to clinical commissioning and service commencement. At present the project team are finalising the arrangements with Ward staff and a firm date will be set in the forthcoming weeks. A wider communications note will be issued to patients, families and staff as well as other key stakeholders to ensure that the handover and transition happens seamlessly.

### **3.5 HSE**

3.4.1 On 24<sup>th</sup> December 2019, the Health and Safety Executive (HSE) served on NHSGGC an Improvement Notice in relation to the ventilation system for Ward 4C.

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Legal advice was sought and we appealed the Improvement Notice on the grounds that there was no basis in fact for the Improvement Notice to have been served.

3.4.2 After an initial hearing relating to the Board's appeal against the HSE Improvement Notice, it was agreed that the legal representatives of the HSE and NHSGGC would meet. Due to COVID-19 there was a temporary suspension of activity. An initial hearing was held on 3<sup>rd</sup> September 2020 with a further preliminary hearing on the 23<sup>rd</sup> November 2020. The Court has provided a timeline for the appeal to proceed, with a further hearing scheduled for around October 2021. Dialogue continues with the CLO and respective Counsels.

### **4. Conclusion**

Significant activity continues across all the strands of work related to the QEUH which is likely to increase even further in the coming months. The resource requirements of the senior leadership team and supporting elements, such as the PMO, remain under constant review. The senior team are clear of the priority that is required to ensure we respond effectively to the many requirements.

### **5. Recommendations**

There are no specific recommendations.

### **6. Implementation**

The Board will be regularly updated on the position regarding the implementation of recommendations from the respective reports.

### **7. Evaluation**

Not applicable at this stage.

### **8. Appendices**

There are no appendices to this paper.