

External Investigation Report Executive Summary

Worcestershire Acute Hospitals NHS Trust
Review of Alleged Potential Conflicts of Interest
Mr Stephen Lake and Mr Steven Pandey
NHS Consultant General Surgeons

CONDUCTED BY

Independent Investigator
September 2016

tamarix
people

- Executive & Leadership Coaching
- Organisational Development & Diagnostics
- Workplace Investigation & Conflict Resolution

1. Executive Summary

1.1. In July 2016 regional and national media covered some NHS endoscopy activity that had been outsourced to South Bank Spires Hospital (SBSH) during 2013/15 on behalf of Worcestershire Acute Hospitals NHS Trust (WAHT/The Trust).

1.2. Two NHS consultants, Mr Stephen Lake and Mr Steve Pandey were named in the media coverage. Both are employed by WAHT and hold positions as clinical leads. They delivered some of the outsourced work through their private practice under the auspices of their company, Worcestershire Bowel Clinic Ltd (WBC).

1.3. It was implied in the media coverage that there might be some potential conflicts of interest for these two surgeons. It was also stated that they might not have appropriately declared pecuniary interests in connection with this work in a timely manner.

1.4. The Trust responded to the media coverage and, as part of this, indicated that it intended to commission an independent external review of the allegations made against the consultants concerned. The Trust stated that this should and did not infer any wrongdoing on the part of the consultants concerned.

1.5. The investigation was conducted in September 2016 and reported in October 2016. The investigation reviewed the evidence in relevant Trust documentation and policies, and interviews were conducted with key staff members in the Trust, the CCGs and SSBH, as well as with the two named consultants.

1.6. The report sets out the key findings and conclusions in Sections 4 and 5 respectively.

1.7. In brief these show that until 2015/16 the Trust had seemingly failed to implement adequate procedures to ensure the regular recording and updating of corporate registers detailing the declaration of interests of their medical staff.

1.8. Information about medical consultants' involvement in private practice activities is however contained in other Trust records, including individual job plans and appraisal documents all of which were and are readily available to Trust managers.

1.9. Mr Pandey and Mr Lake had recorded their private practice activities including details of WBC Ltd in these other Trust documents. They also completed a formal declaration of interests form in 2016 when they were asked to do so by the Trust during 2015/16. This was part of a wider initiative by the Trust to update the corporate registers of interests.

1.10. Neither Mr Pandey nor Mr Lake played any part in the decision by WAHT managers and CCG commissioners to outsource endoscopic activity to SBSH.

1.11. The activity was outsourced due to increased demand and capacity constraints. There is no relationship between the endoscopic clinical procedures outsourced to SBSH and the transfer of emergency abdominal surgery from the Alexander Hospital site to the Royal Worcester Hospital site in 2014.

1.12. The NHS commissioned the work in question from SBSH; SBSH offered the available work to appropriate clinicians who practiced at their facilities on a first available and willing basis. Mr Pandey and Mr Lake responded and made themselves available.

1.13. Although this arrangement could be seen to give rise to a potential indirect conflict of interest for Mr Pandey and Mr Lake, this potential indirect interest was sufficiently transparently recorded in their job plans and appraisal documents.

1.14. The Trust intends to implement procedures to improve the regular updating of their corporate declaration of interest registers.

1.15. Overall, Mr Pandey and Mr Lake have been subjected to an imbalanced representation of their compliance with Trust procedures for declaration of interests and involvement in the commissioning of the additional outsourced activity from SBSH, and as a result unreasonably subjected to unfair criticism about this matter.