

West Suffolk NHS Foundation Trust

Terms of reference for independent rapid review

Introduction

The independent rapid review (the review) of issues at West Suffolk NHS Foundation Trust (the Trust) is commissioned by NHS Improvement at the request of the Department for Health and Social Care (DHSC).

The review will be undertaken by Christine Outram MBE (the Investigator) who will send their report to NHS Improvement once the review is finalised. NHS Improvement will then send the report to the DHSC.

These terms of reference for the review and the investigator's final report will be made publicly available. The individuals who have spoken up have had the opportunity to comment on these terms of reference.

Background

The review follows widely reported events arising from an anonymous letter that was sent in October 2018 to the relative of a patient who had died at the Trust.

Purpose of the review

The purpose of the review is twofold:

- to consider the appropriateness and impact of the actions taken in response to the issues raised by/connected with the October letter by the Trust and other relevant bodies; and
- to produce advisory recommendations and learnings.

The review will not consider the cause of death of the patient at the Trust referred to above which is the subject of ongoing coroner's legal proceedings.

Issues to be considered in the review

The review will consider the following issues:

1. How the Trust responded to the concerns raised which led to the circumstances which formed the basis of the October letter.
2. How the Trust responded to the concerns raised in the October letter, and to those connected with it raised subsequently, with particular emphasis on the Trust's use of its speaking up arrangements.
3. The appropriateness and impact of the Trust seeking to identify the author of the October letter and the steps it took in doing so, including requesting relevant staff to produce fingerprinting and handwriting samples, and any advice/interactions the Trust sought from other relevant bodies.

4. How the Trust handled allegations of bullying and undermining behaviour by members of staff, including the efficacy of its actions and whether best practice learnings have been sufficiently embedded as a result.
5. The effectiveness of how the Trust operated Maintaining High Professional Standards in the context of the matters arising both prior to and from the October letter.
6. The effectiveness of the Trust's Freedom to Speak Up arrangements, including policies, processes and individual responsibility of Board members according to the "Guidance for Boards".

Recommendations and learnings

The review will provide appropriate advisory recommendations and learnings for the Trust as well as other relevant bodies arising from the identified issues.

NHS Improvement will also consider learnings for the wider NHS and cascade as appropriate.

Access to documents

The Trust and all relevant NHS and non-NHS organisations are expected to cooperate with this review to further the public interest, and to provide the investigator with access to all relevant information, whether oral or in written form.

Timeframe

The review will be undertaken with all due pace and the investigator will aim to complete the review by April 2020. NHS Improvement will share the final report with the Department of Health and Social Care prior to its publication.

Annex

Attached to these Terms of Reference is an Annex setting out various administrative and other matters pertaining to the review.

Confidentiality & Documentation

All materials provided to the Investigator and produced by the Investigator in carrying out this investigation, are the property of the Commissioning Managers (NHS Improvement) and will remain so.

The Investigator will ensure the safe and secure storage of documentation throughout the investigation and upon completion of the investigation will discuss with the Commissioning Managers secure disposal (both physically and electronically) or delivery up to them of the documentation received and produced during the investigation.

The Investigator will ensure that the investigation is conducted in strict confidence at all times.

Personal data in the investigator's report will be processed by NHS Improvement in accordance with its Privacy Notice (<https://improvement.nhs.uk/privacy>). NHS Improvement has determined that, given the importance of the issues identified above which form the focus of the review and the public interest in having an independent and robust investigation and report to address them, there are legitimate interests in the processing of personal data and identification by role of a small number of individuals in the report.

NHS Improvement expressly does not authorise the identification of any individuals in the report (other than those who are identified by their senior role).

If an individual requests anonymity the Commissioning Managers have agreed that this can be offered and maintained by the Investigator and NHS Improvement.

Investigator's Obligations

The Investigator will act fairly and without bias (including disclosing any potential conflicts of interest) and will make all reasonable enquiries before making a finding.

The Investigator will ensure that all individuals who are relevant to the investigation are given a reasonable opportunity to participate and provide information to the investigation.

The Investigator will ensure that each interviewee is advised that the evidence they provide in the investigation may be shared with other relevant individuals as part of any subsequent internal processes conducted by the Trust or any related relevant external process and seek their consent for the information they provide to be shared for this purpose.