

NHS Greater Glasgow and Clyde	Paper No. 22/18
Meeting:	NHS Board Meeting
Date of Meeting:	26 April 2022
Title:	QEUH/RHC Update
Sponsoring Director/Manager:	Tom Steele, Director of Estates and Facilities Elaine Vanhegan, Director of Corporate Services & Governance
Report Author:	Tom Steele, Director of Estates and Facilities Elaine Vanhegan, Director of Corporate Services & Governance

1. Purpose

The purpose of the attached paper is to:

Update the NHS Board on the position regarding the Queen Elizabeth University Hospital and Royal Hospital for Children in respect of;

- The Oversight Board and Case Note Review Report
- The Public Inquiry
- The Police Investigation
- The Legal Claim
- The Rectification Programme
- Ward 2A/2B

2. Executive Summary

The paper describes the significant activity which continues across all of the strands of work related to the QEUH/RHC.

3. Recommendations

There are no formal recommendations within the paper.

4. Response Required

This paper is presented for awareness.

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 **Positive**
- Better Care **Positive**
- Better Value **Negative**
- Better Workplace **Positive**
- Equality & Diversity **Neutral**
- Environment **Positive**

6. Engagement and Communication

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

The issues described have been considered by the Executive Oversight Group, Chaired by the Chief Executive.

8. Date Prepared and Issued

Date prepared: 19 April 2022

Date issued: 19 April 2022

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1. Introduction

This paper is presented to the NHS 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 Board for the purposes of information and assurance.

2. Background

The Board will be familiar with the issues in respect of the QEUH and RHC, subsequent to Level 4 Escalation on the Scottish Government's Performance Framework, the lodging of legal action against Multiplex, Currie & Brown and Capita, the Scottish Hospitals Public Inquiry and the Police Investigation. The HSE Appeal is currently sisted. This paper provides an update.

3. Assessment

3.1 Oversight Board

All actions in response to the 108 recommendations from the Oversight Board Report, the Case Note Review Report and the External Review Report have been completed, with a comprehensive audit process in place. Dialogue continues with the Scottish Government regarding next steps in terms of any de-escalation.

3.2 Public Inquiry

The Scottish Hospitals Public Inquiry (the Inquiry) was launched in August 2020. The first substantive hearings of the Inquiry commenced on 20 September 2021 and concluded on 14 November 2021. The oral evidence was provided by families and patients affected by the issues being explored by the Terms of Reference of the Inquiry. The next diet of hearings are scheduled for May and October 2022, both of which will focus on NHS Lothian. It is worthy of note that the first week in the May hearings will consider the Theory and Practice of Ventilation which will be of particular interest to the Board.

Dates have now been fixed for the next diet of oral hearings relating to the QEUH and RHC which have been scheduled to take place from 31 October until 9 December 2022. It is then anticipated that further hearings will be set into 2023 and potentially into 2024. The scope of the hearings have yet to be finalised.

The Witness Engagement and Support Team (WEST) of the Inquiry have begun to make contact with key individuals within NHS GGC, with our Witness Support process also engaged in this element of the work focussing on the welfare of our staff.

The Inquiry's approach to requesting information (RFIs) has moved from only requesting documentation e.g. minutes and papers to a Q&A approach. Five tranches have been received to date, all of which involve significant work and review. Through the CLO dialogue continues with the Inquiry Team regarding timescales and detail. The Executive Oversight Group, which continues to meet weekly, is overseeing all submissions.

3.3 Police Investigation

Police Scotland continue their investigation in respect of four deaths at the QEUH/RHC. We continue to work in a collaborative manner with the Senior Investigating Officers in order to ensure staff are supported; with a single point of contact through which requests for staff access/interview and information can be made. This is in keeping with the Board's current processes with a Witness Support Officer in place. Staff are advised to contact our Witness Support Officer for advice and support. Guidance for staff is available as the welfare of our staff remains paramount while we engage with the investigation, acknowledging the many other strands that are underway.

3.4 Civil Claims

The Board has now received 28 intimations of claim in respect of the QEUH and RHC. There is close working between the PMO and CLO on the related themes, however, at this stage all cases are currently sisted.

3.5 The Legal Claim

The legal summons to defenders Multiplex Construction Europe Limited, BPY Holdings LP, Currie and Brown UK Ltd, and Capital Property and Infrastructure Ltd was lodged on 22nd January 2020. Lord Tyre heard the legal debate on the matter of interrupted time bar and found in favour of NHSGGC, rejecting the defender's position that the action was incompetent and should be dismissed. The Court has subsequently refused Multiplex and Capital's motion for permission to appeal Lord Tyre's decision. There remains a possibility of an appeal at a later stage when all the merits of the case have been determined. The Court decision pauses the action to allow for the claims to be adjudicated, and a regular exchange of information continues to prepare for adjudication. Additionally, consideration is being given to engaging directly with Multiplex on a number of the issues. Two further court summons were served to Multiplex and their Parent Company in relation to the chilled water system in April 2021, and in relation to internal cladding issues in March 2022.

3.6 QEUH/RHC Rectification Programme

Despite competitive dialogue, Multiplex have advised that they will no longer engage further in the 'without prejudice' discussions regarding remedial works to the Adult Atrium Cladding at the QEUH. This scenario was a known risk and the mitigating position of a contractor directly appointed by NHSGGC is in place with progress on pre-construction activities well advanced. Multiplex have not yet formally withdrawn from the request that they will remedy the defect in relation to the failure of the atrium roof hot wire system. Briefing and pre-construction design activities have commenced with a Board appointed contractor on various rectification work-streams including: ETFE roof, improvements to energy centre performance, glazing remediation and the feasibility of further ventilation improvements. NHSGGC continues to meet regularly with statutory authorities and advisors, including Scottish Fire and Rescue Service, Scottish Government and Glasgow City Council Building Standards, to inform and assist with risk management and emerging legislative guidance.

3.7 RHC Ward 2A/2B

The successful commissioning of the newly refurbished Schiehallion Unit, previously known as wards 2A and 2B, was the culmination of significant complex planning and partnership working. External agencies and expert advisors were involved throughout the commissioning process including NHS Assure, Authorising Engineers and the Scottish Government, in assuring the safety of all services including water and ventilation.

The Schiehallion Unit reopened on Wednesday 9th March 2022. The smooth transfer process was the culmination of multidisciplinary team working and planning across an extensive range of service units and the clinical team. Feedback has been extremely positive from both staff and patients since the move.

The MIBG facility within the ward is now ready for use, with the first patient scheduled for early April 2022. This new national service was described by one consultant as a 'game-changer' for Scottish cancer care. This facility is a specialised radiotherapy

service giving care to children who, up until now, have had to travel to London for the treatment. This unit will also treat children from the North of England.

4. Conclusions

The Executive Oversight Group (EOG) continue to meet weekly to oversee all aspects described in relation to the QEUH and RHC. The Senior Team remain clear that focus is required to ensure effective response to the many demands, as well as ensuring patients, families and staff are supported.

5. Recommendations

No specific recommendations.

6. Implementation

Implementation and ongoing work has been detailed in Section 3.

7. Evaluation

This is not applicable at this stage.

8. Appendices

There are no appendices.