

NHS Greater Glasgow and Clyde	Paper No. 22/36
Meeting:	NHS Board
Date of Meeting:	28 June 2022
Title:	QEUH/RHC Update
Sponsoring Director/Manager:	Tom Steele, Director of Estates and Facilities Elaine Vanhegan, Director of Corporate Services & Governance
Report Author:	Elaine Vanhegan, Director of Corporate Services & Governance

1. Purpose

The purpose of the attached paper is to:

Update the Finance Planning and Performance Committee 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

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 and the Corporate Management Team, both chaired by the Chief Executive and the finance Planning and Performance Committee.

8. Date Prepared and Issued

Date prepared: 17 June 2022.

Date issued: 21 June 2022.

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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 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 Capital, 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

Board members will be aware, that on the 13th June, the Chief Executive was notified by the Director-General of Health & Social Care and Chief Executive NHS Scotland, Ms Caroline Lamb, that the Board was de-escalated to Level 2 on the NHS Scotland Performance Management Framework. This is an important milestone for the Board and it is a testament to the hard work and support of many staff.

Despite the challenges faced throughout the COVID-19 pandemic, all of the improvements identified in the 108 recommendations from the respective reviews,

have been delivered. The work of the frontline staff on the Schiehallion Ward at the RHC and our Infection Prevention and Control and Estates and Facilities teams has illustrated significant commitment and dedication to support our patients and their families at all times.

The Board will continue to focus on embedding recommendations ensuring continuous improvement.

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. Further hearings were held in May 2022 mainly in respect of NHS Lothian with the first week focussing on the Theory and Practice of Ventilation. This was explored at a high level and the Inquiry did not, at this stage, apply any of the principles of ventilation to the QEUH. As such, there were no specific issues for the Board arising from this chapter of evidence. There is likely to be a more focused examination of ventilation arrangements at the QEUH in future evidential hearings

The dates for the next diet of oral hearings relating to the Queen Elizabeth University Hospital and the Royal Hospital for Children were scheduled for 14 October to 2 December. However, the Board were notified on 9 June that these hearings, as well as hearings scheduled for Lothian in October, were being postponed. Further information is awaited.

Significant activity continues responding to the Inquiry's approach to requesting information (RFIs). These come in themed tranches, looking for both narrative explanations to specific questions, as well as the provision of key documents. Due to the volume of work requiring active co-ordination, an Executive Working Group has been established reporting to the Executive Oversight Group, which continues to meet weekly.

The Witness Engagement and Support Team (WEST) of the Inquiry have made contact with a number of key individuals within NHSGGC, with our Witness Support process engaged in this element of the work focussing on the welfare of our staff. GGC Counsel have also been consulting staff in preparation for future hearings.

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 with the welfare of our staff paramount whilst still engaging with the investigation acknowledging the many other strands underway.

3.4 Civil Claims

The Board has now received 28 intimations of claim in respect of 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 first 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 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 Capita'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 has now sisted 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 have been served on Multiplex and their Parent Company. The chilled water system, served first in April 2021 has now been sisted by the court at the agreement of the defenders. The summons in relation to internal cladding issues was served in March 2022.

3.4 QEUH/RHC Rectification Programme

A contractor directly appointed by NHSGGC, is well advanced with pre-construction activities for the Adult Atrium Cladding and works will commence on site in July. Briefing and pre-construction design activities have commenced with the Board appointed contractor on various rectification workstreams including: the ETFE roof, improvements to the energy centre performance, glazing remediation and the feasibility of further ventilation improvements. Multiplex have not yet formally withdrawn from the request that they remedy the defect in relation to the failure of the atrium roof hot wire system. NHSGGC continue 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.

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.