

NHS Greater Glasgow and Clyde	Paper No. 22/04
Meeting:	Board Meeting
Date of Meeting:	22 February 2022
Title:	QEUH/RHC Update
Sponsoring Director/Manager:	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 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
- 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 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 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, Chaired by the Chief Executive, and the Finance, Planning and Performance Committee.

8. Date Prepared and Issued

Date prepared: 15 February 2022.

Date issued: 15 February 2022.

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1. Introduction

This paper is presented to the Finance, Planning and Performance Committee 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

The Committee 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

A further meeting of the Advice, Assurance and Review Group (AARG) was held in December 2021. A review was undertaken of the outstanding issues from the overarching Action Plan developed to deliver the recommendations from the Oversight Board Report, the Case Note Review Report, and those of the

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Independent Review. It was reported that 96% were complete. The remaining action in the Independent Review and two within the Oversight Board report relate to ongoing discussion with Scottish Government colleagues, with regards to the final structure of the IP&C in NHS GGC. The Associate Director of IPC will be recruited to shortly.

The further action remaining within the Oversight Board report is in relation to the completion and reopening of Wards 2A & 2B with an update noted below. It is anticipated that the AARG will meet quarterly, the process of which is being finalised.

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. Closing Statements from both Lord Brodie and Core Participants, including GGC, were published in December 2021. There is no firm date for further hearings for GGC with the next diet scheduled for May and will focus on NHS Lothian, as such NHS GGC does not anticipate any formal hearings until later this calendar year.

A recent meeting was held with the CLO Solicitors and the Inquiry Team Solicitors. The Inquiry Team now plan to issue the Board with specific questions to answer within a given timeframe. The Inquiry Team have agreed to develop a prioritised framework to support the process. The focus on the Requests for Information (RFIs) continues, however the Q&A approach may take precedence moving forward. In terms of RFIs a significant amount of information has already been submitted as noted below:

- Summary of the 54 requests, there are: 24 completed; 15 partially completed; 15 in progress. Of these:
 - Section A numbers 1-6 – 75905 pages circa 8036 documents
 - Section B numbers 7 to 20 - 3500 pages circa 226 documents
 - Section C numbers 21 – 24 - 930 pages circa 336 documents

Action is underway on outstanding requests, some of which require Inquiry Team clarification.

The Board has purchased a Document Management System called Opentext-Accelerate. This is to enable access for robust review of emails, shared drives etc., using key search terms of key current and former employees to respond to the RFIs. In particular the system will help where the request is for all correspondence and will also support a trawl for specific key words e.g. Ventilation which may be of specific interest to the Inquiry.

As the requirements of the Public inquiry evolve, the PMO is being restructured in order to respond. A full time Programme Manager has been appointed to ensure robust project management across the many workstreams (noting also the Covid Public Inquiry will commence imminently). One key work stream is that of Witness

Support and coordination, acknowledging the many different processes underway; e.g. Legal Claim, Police investigation, Inquiry Team requests and CLO/Counsel requests. A working group including, partnership colleagues, is being led by the Director of HR&OD, with the PMO dedicating particular focus.

3.3 Police Investigation

In the middle of December, Police Scotland began approaching staff to commence their investigation, announced in September 2021. In order to ensure staff are supported we have worked with the Senior Investigating Officers and have agreed a single point of contact through which requests for staff access/interview 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. Police Scotland have highlighted that the integrity of their processes and investigation is critical.

3.4 Civil Claims

The Board has now received 27 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 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 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 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. Preparation for court proceedings to be raised in relation to internal cladding issues is complete. Notification to Parent Company will be served this week with court papers lodged 10 days thereafter.

3.6 QEUH/RHC Rectification Programme

Collaborative dialogue continues with Multiplex to develop and agree a Settlement Agreement, including a construction contract to replace the atrium wall linings. Pre-construction activities for replacement of atrium wall linings by an NHSGGC appointed contractor also continue to provide an option, should the conclusion of a settlement agreement with Multiplex fail to be agreed. MacRoberts LLP has issued a letter to Multiplex in relation to the failure of the atrium roof hot wire system requesting that Multiplex remedy the defect in tandem with the cladding works. Multiplex requested additional time to consider the information provided but have

not yet responded. Briefing has commenced with a Board appointed contractor to scope the roof and other rectification workstreams. 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.

3.7 RHC Ward 2A/2B

NHS commissioning activities have concluded on the ventilation and domestic water systems. This has been independently supported by the Board's advisors. Work is ongoing to clinically commission the wards with a view to have them ready for occupation by the start of March. Clinical move in date will be dependent on final ICD sign off of the water sampling which is ongoing with support from independent technical advisors and national agencies.

3.8 Communications

In preparation for the opening of Ward 2A/2B, a comprehensive staff and patient/family communications plan is being delivered, including an orientation video and FAQs. The plan has been developed to incorporate learning from feedback from families on communications and engagement, including recent research carried out on our behalf by the Consultation Institute. The wider QEUH/RHC communications strategy is also making good progress with briefings for key stakeholders, including elected representatives and media, proactive media opportunities to showcase the work of the hospitals and the development of stakeholder written briefing packs.

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

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There are no appendices.