

Update on the COVID-19 Public Inquiry

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Trust Board paper N

Purpose of report:

This paper is for:	Description	Select (X)
Decision	To formally receive a report and approve its recommendations OR a particular course of action	
Discussion	To discuss, in depth, a report noting its implications without formally approving a recommendation or action	
Assurance	To assure the Board that systems and processes are in place, or to advise a gap along with treatment plan	
Noting	For noting without the need for discussion	X

Previous consideration:

Meeting	Date	Please clarify the purpose of the paper to that meeting using the categories above
Trust Board	04/11/2021	For assurance.

Executive Summary

Context

On 11 May 2021 the Prime Minister committed to holding a public inquiry into the Government's handling of the COVID-19 pandemic which will commence in spring 2022.

Questions

1. Is the Board assured by the steps the Trust is taking to prepare for the COVID-19 public inquiry?

Conclusion

1. The Prime Minister has appointed the Rt Hon Baroness Heather Hallett DBE as Chair of the forthcoming public inquiry into the Covid-19 pandemic.
2. The Trust has begun recruiting to an 18-month fixed-term post for a new COVID-19 Public Inquiry Officer to help the Trust prepare for the Inquiry.

Input Sought

We ask that the Trust Board note the developments since the last update provided on 04 November 2021.

This report relates to the following UHL quality and supporting priorities:**1. Quality priorities**

Safe, surgery and procedures	No
Safely and timely discharge	No
Improved Cancer pathways	No
Streamlined emergency care	No
Better care pathways	No
Ward accreditation	No

2. Supporting priorities:

People strategy implementation	No
Estate investment and reconfiguration	No
e-Hospital	No
More embedded research	No
Better corporate services	No
Quality strategy development	No

3. Equality Impact Assessment and Patient and Public Involvement considerations:

- What was the outcome of your Equality Impact Assessment (EIA)? N/A
- Briefly describe the Patient and Public Involvement (PPI) activities undertaken in relation to this report, or confirm that none were required: N/A
- How did the outcome of the EIA influence your Patient and Public Involvement? N/A
- If an EIA was not carried out, what was the rationale for this decision? All work undertaken for COVID-19 is in line with national directives where no EIA has been required

4. Risk and Assurance

Does this paper reference a risk event?	Select (X)	Risk Description:
Strategic: Does this link to a Principal Risk on the BAF?		
Organisational: Does this link to an Operational/Corporate Risk on Datix Register		

5. Scheduled date for the **next paper** on this topic: No later than August 2022
6. Executive Summaries should not exceed **5 sides** My paper does comply

REPORT TO: Trust Board
DATE: 03 February 2022
REPORT BY: Ben Collins, EPRR Manager
EXEC LEAD: Gilbert George, Interim Director of Corporate & Legal Affairs
SUBJECT: Update on the COVID-19 Public Inquiry

1. INTRODUCTION

1.1.1 On 11 May 2021 the Prime Minister committed to holding a public inquiry into the Government's handling of the COVID-19 pandemic. This will commence in spring 2022 and incorporate:

- The entire Government response, including 23 ministerial departments, 20 non-ministerial departments and 413 agencies;
- The 3 devolved administrations;
- Over 400 NHS organisations in England (as at 2019) as their own legal entities (there will be no mandate from NHS England and NHS Improvement (NHSEI)).

1.1.2 The Trust Board was last updated on the COVID-19 Public Inquiry on 04 November 2021 and this paper serves to update on subsequent developments.

2. CURRENT REQUIREMENTS FOR NHS TRUSTS

2.1.1 On 08 July 2021, Katherine Ibbotson, Director of Governance and Legal at NHS England and NHS Improvement (NHSEI) wrote to NHS Trusts with a number of actions to take in preparation for the inquiry. These included:

- Ensuring all COVID-19 records (defined as "anything relevant to a work matter, howsoever held") are kept and safely stored in line with a "Document Preservation Notice" which was issued alongside the email;
- Identifying an Inquiry Lead;
- Ensuring teams are managing records and that these are saved;
- Ensuring action logs are assured / signed off;
- Ensuring details of any senior staff and key individuals involved in the pandemic who leave the organisation are captured by the Inquiry Team.

2.1.2 On 14 July 2021, the NHSEI Midlands Regional Team hosted a COVID-19 Inquiry Webinar which was attended by members of the EPRR Team. In recognition that NHSEI will not be directing third party organisations on how to manage their own records, the webinar was held as a means of illustrating what approach NHSEI has adopted to their management of records by way of example. NHSEI have since provided Trusts examples of their practice, including:

- A "master events list" containing a key timeline of events and decisions made;

- “Position statements” for each cell which was established as part of its command and control arrangements. This included:
 - Scope of the cell;
 - Role of the cell, including governance and other organisations involved and any major changes to the cell;
 - Relationship with other cells;
 - Timeline of key events and decisions;
 - Top line/key messages, made up on 3 – 4 key achievements and challenges;
 - Key facts and figures (if applicable);
 - Main activity across planning, response and recovery;
 - Lessons identified;
 - Key people involved;
 - Glossary of terms.
- A timeline of documents received;
- How NHSEI have saved all COVID-19 records centrally in one location for easy recall in the future;
- A central staff contact list for everyone who worked on COVID-19, including the date they started/finished work on COVID-19 and their contact details.

3. UPDATE ON THE UK GOVERNMENT’S PREPARATION FOR THE INQUIRY

- 3.1.1 The Inquiry, set to begin its work in spring 2022, will be established under the Inquiries Act 2005, with full powers, including the power to compel the production of documents and to summon witnesses to give evidence on oath.
- 3.2 The Prime Minister has appointed the Rt Hon Baroness Heather Hallett DBE as Chair of the forthcoming public inquiry into the Covid-19 pandemic. Additional panel members will be appointed early this year to make sure the Inquiry has access to the full range of expertise needed to complete its important work.
- 3.2.1 The Inquiry will play a key role in examining the UK’s pandemic response and ensuring the country learns the right lessons for the future. The Prime Minister will now consult Baroness Hallett and ministers from the devolved administrations on the terms of reference for the Inquiry and will publish them in draft in the coming months.
- 3.2.2 Those most affected by the pandemic - including those who have sadly lost loved ones - must also have an opportunity to play their proper role in the process. Once the terms of reference have been published in draft, Baroness Hallett will take forward a process of public engagement and consultation - including with bereaved families and other affected groups - before the terms of reference are finalised.

4. UPDATE FROM THE UHL COVID-19 PUBLIC INQUIRY GROUP

4.1.1 The UHL COVID-19 Public Inquiry Group has met twice since the last update to the Trust Board to review progress against its agreed project plan. Key developments during this time period are:

- An 18-month fixed-term contract for a new COVID-19 Public Inquiry Officer has been advertised and interviews for the role are to take place on Friday 28 January 2022.
- A number of document templates have been developed to document information relating to the pandemic.

5. CONCLUSION

5.1.1 The latest wave of COVID-19, brought about by the Omicron variant, has invariably slowed progress against the UHL COVID-19 Inquiry Group's Project Plan as work has focused on preparing for, and responding to, and the current wave.

5.1.2 As stated previously, the COVID-19 public inquiry will be of significant public interest and any evidence supplied by the Trust will likely be subject to expert scrutiny. It is therefore important that the Trust is in a position to clearly articulate its response to the pandemic and describe how it responded to information and directives it received. Crucially, this needs to be supported by evidence and be signed off at an appropriate level. This approach will ensure the Trust's *organisational memory* is preserved and which will be important as time goes by and organisational changes take place.

5.1.3 Moving forward, the COVID-19 Inquiry Team will continue to meet on a regular basis to deliver against its agreed project plan and further updates will be provided to the Trust Board on a regular basis, and no less frequently than six-months