

NHS Greater Glasgow & Clyde	Paper No. 21/82
Meeting:	Board Meeting
Meeting Date:	21st December 2021
Title:	QEUH/RHC Update
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1. Introduction

This paper is presented to the Board Meeting 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

Committee members 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 ongoing HSE Appeal. This paper provides an update.

3. Assessment

3.1 Update

Board members will be aware of the significant political debate over recent weeks with the motion, brought by Mr Anas Sarwar MSP, defeated. In parliament the First Minister recorded the significant amount of work that had been undertaken by the Board to address the actions set out in the Government commissioned reviews. Positive dialogue continues with Scottish Government colleagues in terms next steps. Work is underway on a robust communications strategy supporting and reassuring patients, families and staff.

3.2 Oversight Board

Further to publication of the Oversight Board Report and the Case Note Review Report, a comprehensive action plan was developed to ensure all the recommendations, including those of the External Review led by Drs Montgomery and Fraser, were being put in place to address the issues described in the reports. The work of the delivery group (Gold Command), chaired by the Chief Executive, and has overseen progress against the action plan.

The significant progress made was acknowledged by the Advice, Assurance and Review Group (AARG), at the second meeting of this group held on the 19 August. Dialogue continues with the Scottish Government.

Progress as of November 21 is as follows:

- Independent review – 40 of 41 actions complete, 98%
- Oversight Board – 21 of 24 actions complete, 88%
- Case Note Review – 43 of 43 actions complete, 100%

The remaining action in the Independent Review and two within the Oversight Board report relates to ongoing discussion with Scottish Government colleagues. The further action remaining within the oversight Board report is in relation to the completion and reopening of Ward 2A & 2B. As noted above discussions with Government colleagues over recent days are supporting this work

3.3 Public Inquiry

The Scottish Hospitals Public Inquiry (the Inquiry) was launched in August 2020. The first substantive hearings of the Inquiry commenced on 20th September 2021 and concluded on 14th November. The oral testimony was provided by families and patients affected by the issues being explored by the Terms of Reference of the Inquiry. The Executive Oversight Group continue to review themes across the evidence given. Counsel to the Inquiry provided core participants with his closing statement on 3rd December which was published on the Inquiry website on 9th December. Core participants have until Friday 17th December to conclude their closing statement which, for GGC, will be submitted by our QC further to consultation with the Executive team and the CLO.

The Board continues to co-operate fully with the Inquiry Team. Meetings continue with the dedicated team from the Central Legal Office (CLO) and Inquiry Team Solicitors with documents and narratives being transferred in a coordinated manner. Initial contact has been made regarding the criminal investigation into the deaths of 4 patients which was announced in the media in September.

3.2 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 22 January 2020. Lord Tyre heard a legal debate on the matter of interrupted time bar and found in favour of NHSGGC, rejecting the 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. An appeal may still be possible after all the merits of the case have been determined.

The Court decision pauses the action to allow for the claims to be adjudicated. There is continuous exchange and collation of information to prepare for adjudication and to inform potential to engage directly with Multiplex.

3.3 QEUH/RHC Rectification Programme

NHS GGC have appointed a managing contractor and professional advisors to develop and implement a programme of rectification works that are required throughout the Hospitals. A risk based programme of works is being developed in conjunction with our advisory team and site operational estates and facilities staff. Agreement of finalised proposals will require significant engagement with clinical service, IPC teams and other stakeholders to minimise disruption to service delivery.

Dialogue continues with Multiplex to develop and agree a Settlement Agreement for replacement of the atrium wall linings. The NHS GGC appointed team are well advanced with pre-construction activities and will implement the rectification works should the agreement fail to be timeously agreed with Multiplex.

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.

3.4 RHC Ward 2A/2B

Progress is being made in the final stages of the works to Wards 2A/B. Alternative replacement HEPA components have arrived on site, this will allow the ventilation systems to be commissioned and balancing to continue. Enhanced water sampling is ongoing with results under scrutiny by the IPC team, NHS Assure and the Board's Authorising Engineer. A clinical move-in date is still to be determined but will be subject to all enhanced water sampling and air tests passing to a standard satisfactory to the IPC team and independent technical advisors.

3.5 HSE Update

In light of the differing processes underway that may impact on the HSE Appeal, the case has been sisted for an 18 month period. GGC are to provide an update by 30 May 2023 with regards to the other legal processes and associated timescales.

4. Conclusions

Significant activity continues across all strands of work relating to QEUH. Clearly the political debates over recent weeks have been particularly challenging, however

moving forward the senior team remain clear on priorities 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

Describe the next steps required to take any recommendations forward. This should include the resources required, the governance arrangements, the reporting mechanisms, and the communications plan.

7. Evaluation

This is not applicable at this stage

8. Appendices

There are no appendices