

# **SCOTTISH HOSPITAL INQUIRY**

## **Closing Statement on behalf of NHS Lothian**

**re:**

### **Evidence of Patients of RHSC and DCN, Edinburgh**

**Hearing Diet: 20 September 2021 to 5 November 2021**

#### **Introduction**

1 Evidence was provided by six witnesses who had experience of the Royal Hospital for Sick Children (“RHSC”) and Department of Clinical Neurosciences (“DCN”) prior to their relocation to the new hospital facilities at the Royal Infirmary of Edinburgh at Little France. In their closing Statement in relation to this session, Counsel to the Inquiry have arranged their comments on the evidence thematically and have invited Core Participants to address the questions which follow the Executive Summary.

2 The Themes identified are:

- (i) The existing RHSC and the DCN
- (ii) The Delayed opening of the new RHCYP and DCN
- (iii) The Impact of the delayed move; and
- (iv) Perceptions of the new RHCYP and DCN

3 The Questions posed by Counsel to the Inquiry in their Closing Statement are:

**I. Do Core Participants accept that in the executive summary, and in what follows, the closing statement accurately sets out the accounts given by witnesses (and, if not, can they identify where)? and**

**II. At this stage, are Core Participants able to identify any areas of the narrative provided by the patient and family evidence that is capable of agreement?**

4 In response to those questions: NHS Lothian has no significant disagreement that the summary of the evidence provided by Counsel to the Inquiry in their closing statement accurately reflects the accounts given by the witnesses; and there are several areas that are capable of agreement, as set out in more detail below.

- 5 In order to provide some additional context for the decision to delay the opening of the new facilities NHS Lothian has provided at Appendix 1 to these submissions a timeline setting out some of the key dates and events. The timeline may assist in providing a framework and focus for further evidence in relation to the delay.

### **Theme 1: The RHSC and the DCN**

- 6 NHS Lothian agrees that the old hospital facilities at RHSC and DCN, including facilities for families, were outdated and suboptimal compared to modern, state of the art healthcare facilities; that is one of the main reasons that new hospital facilities were commissioned.
- 7 There are two points NHS Lothian would wish to emphasise. Firstly, all of the witnesses praised the quality and commitment of the nursing and medical staff. Secondly, none of the witnesses suggested that the state of the facilities at the RHSC actually affected the safety or clinical outcome of the treatment of patients.
- 8 On a point of detail, it is submitted that to describe the equipment or facilities in the old hospitals as in “dire” need of replacement, or to say as Mr Landale did that “nothing worked” in the DCN, are comments that have been made through a lens of frustration and are not accurate.

### **Theme 2: Delayed opening of the new RHCYP and DCN**

- 9 NHS Lothian agrees that there was clear evidence of great anticipation among patients, families and staff about the move and that staff were well advanced with plans for the transfer of equipment and supplies to the new hospital in advance of its opening.
- 10 NHS Lothian also agrees that the decision to delay the opening of the new facilities on 4 July 2019 came only days before the transfer between facilities was due to take place on 9 July and, as a result, will have come as a shock and disappointment to patients and ward staff – as it did to NHS Lothian.

- 11 It is acknowledged that some witnesses who used the hospitals regularly have given evidence to the effect that they did not feel well informed about the delayed move; the reasons for it; or the progress made towards moving to the new facilities. The Inquiry will no doubt hear significantly more evidence about the reasons for the delay and why the decision to delay the move was made when it was. It would be premature at this stage to say any more on this issue than to acknowledge that the decision clearly was taken at a very late stage.
- 12 It is a matter of concern to NHS Lothian that some families felt overlooked in the aftermath of the decision in July 2019 not to move and that they have expressed concern about the level and nature of communication with them. In relation to NHS Lothian's communication strategy, the Inquiry is referred to NHS Lothian's Opening Statement in which the steps taken to communicate with patients and the general public by a variety of different means are set out. These steps were taken at short notice and were effective, as indicated by the witnesses who spoke of receiving information through various channels, albeit some of the witnesses expressed the view that more could and should have been done to communicate with them directly.

### **Theme 3: Impact of the delayed move**

- 13 NHS Lothian acknowledges that the impact of the last minute decision to delay the move to the new facilities will have been keenly felt by some patients and families, and that it will have been a cause of anxiety and uncertainty for some parents who were looking forward to their children receiving treatment in the more modern facilities.
- 14 It is accepted that continuing to operate the existing RHSC posed logistical challenges. Although families remained in outdated facilities for a significantly longer time than had been planned, it is reiterated that the evidence from the witnesses was that there was no adverse effect on the treatment or clinical outcome for any patient at the RHSC.

### **Theme 4: Perceptions of the new RHCYP and DCN**

- 15 NHS Lothian is pleased to note that families expressed satisfaction with the new facilities when they eventually opened.

- 16 It is also noted that those witnesses who gave evidence on the point expressly acknowledged that, once they became aware of the reasons for the delay, they agreed with the decision and were reassured that, rather than just proceeding to open the new facility, time was taken to resolve issues that might have affected the safety of their children.
- 17 It is acknowledged that some of the witnesses expressed some continuing doubts about the safety of the new hospital facilities based on the involvement of the same contractor in both the Edinburgh project and that in Glasgow. That is clearly a matter of perception.

**APPENDIX TO CLOSING SUBMISSION BY NHS Lothian**  
**TIMELINE OF KEY EVENTS**  
**RE TIMING OF DECISION TO DELAY OPENING OF RHCYP AND DCN**

<b>Date 2019</b>	<b>Event</b>
Monday 17 June	IOM begin carrying out a series of final checks on the ventilation system
Monday 24 June	At 15:00 the Steering Group meeting receives verbal summary of IOM log expected the following day
Tuesday 25 June	At 09:56 IOM Issues log sent to NHS Lothian
Tuesday 25 June	At 10:38 NHS Lothian Project Director sends IOM issues log to Steering Group
25 – 28 June	<p>NHS Lothian Project team:</p> <ul style="list-style-type: none"> <li>• Review IOM issues report for technical clarity on what IOM were measuring and confirming those results;</li> <li>• Assess contractual and legal position; and</li> <li>• Investigate possible immediate technical solutions, if any.</li> </ul>
Friday 28 June	<p>At 10:00 meeting held with IHSL and their contractors, Multiplex, to follow up on emerging issues in the new building.</p> <p>The focus of discussion at the meeting as regards ventilation is the theatres and the theatre corridor.</p> <p>A document tabled at the meeting identifies that none of the theatres are ready for use, therefore efforts are concentrated on mobilising engineers to work together to test controls and rectify the issues. The aim is to have four theatres fit for purpose for commissioning by Friday 5th July at the latest.</p> <p>The ventilation in Critical Care is not raised as an issue or discussed at this meeting.</p> <p>An action plan is agreed to address the issues and twice daily calls put in place from Monday 1st July to monitor progress. The focus of this work is to ensure theatres were ready for use when services move to the new building as planned</p>
Monday 1 July	Summary of Friday 28 <sup>th</sup> June meeting sent via email to the NHS Lothian Chief executive
	At 16:00 meeting held with Multiplex / IHSL to follow up on issues relating to ventilation in theatres discussed at the meeting of Friday 28 <sup>th</sup> June
	NHS Lothian Project Director alerts the Medical Director that the ventilation system in parts of the Critical Care ward do not meet the

	guidance set out in the Scottish Hospitals Technical Memorandum (SHTM) 03-01 of 10 air changes per hour as the ventilation system has been designed to achieve 4 air changes per hour.
	Medical Director phones the Chief Executive, leaving a message to alert him of the emerging problem and emails Executive Director colleagues setting out a summary of what she has just learned, making clear the potential risk to the timeline for opening the RHCYP on 9 <sup>th</sup> July
Tuesday 2 July	An urgent NHS Lothian internal meeting held to assess the Critical Care ventilation issue, consider possible courses of action and to begin the process of risk assessing those possibilities
	Internal discussions to evaluate the problem and assess the best course of action continue, including consideration of the possibility of going ahead with the move and carrying out the works once in situ.  At this stage neither the extent of the works required to fix the problem, nor the likely timescale are known. Of key concern is the possible impact on patient safety and on staff of work that may be required to upgrade the ventilation system and its impact on critical care capacity.
	A further meeting is held to check the progress of the testing programme being carried out to validate ventilation performance in theatres, to verify status of the isolation rooms, and to discuss the options proposed by Multiplex as an interim solution to the ventilation issue in part of the Children's Critical Care department.
	At 13:00 the NHS Lothian Chief Executive and NHS Lothian Chair hold a meeting by telephone to brief Malcolm Wright, Director General for Health and Social Care, and John Connaghan, NHS Scotland Chief Performance Officer, at the Scottish Government.
	NHS Lothian senior team spends the remainder of the afternoon of Tuesday 2 <sup>nd</sup> July working through options including the implications and practical considerations associated with a potential phased move or a move followed by a decant
	On Tuesday 2 <sup>nd</sup> July there is also engagement with Health Facilities Scotland and Health Protection Scotland to outline the issues and arrange a meeting for the following morning.
Wednesday 3 July	At 09:30 a meeting held in offices of Health Facilities Scotland in Glasgow.
	At 13:00 an NHS Lothian internal meeting held to continue to assess the issues, explore all possible options and ensure the implications of each have been worked through rigorously.
	At 14:00 the meeting is joined by Scottish Government representatives NHS Scotland Chief Operating Officer, asks NHS Lothian Chief Executive to set out the options that have been considered and the rationale behind the thinking

	At 16:36, NHS Lothian Chief Executive sends an email to Malcolm Wright, DG HSC and NHS Scotland Chief Operating Officer, at Scottish Government setting out the options that have been considered, NHS Lothian's favoured option, and the rationale that led to it.
	During the evening of 3 <sup>rd</sup> July, NHS Lothian Chief Executive receives a phone call from Scottish Government (John Connaghan) to advise that planned communication for the following morning should not go ahead until further notice
Thursday 4 July	On the morning of Thursday 4 <sup>th</sup> July, RHCYP / DCN Project Director and Director of Communications, NHS Lothian attend a meeting at St Andrew's House chaired by NHS Scotland Chief Performance Officer
	At 12:00 approximately Scottish Government advises that they would be leading on communications
	At 16:10 Malcom Wright, DG HSC, emails a letter to NHS Lothian Chief Executive
	At 16:15 approximately Scottish Government issues media release.
	At 16:30 approximately NHS Lothian issues a Staff Communication internally