

EXPERT REVIEW OF RECORDS OF DECEASED PATIENTS OF DR WATT

Steering Group Terms of Reference

BACKGROUND TO THE EXPERT REVIEW

1. On 01 May 2018, Belfast Health and Social Care Trust (Belfast Trust) announced a recall of 2,500 patients in the context of concerns regarding the clinical practice of Dr Watt, Consultant Neurologist. As of December 2020, there have been two cohorts of patients recalled by the Belfast Trust and the recall of a third cohort of patients was under consideration. The first cohort saw the recall of 2,358 patients who were actively under the care of Dr Watt. The second cohort saw the recall of 867 patients who were under the care of and subsequently discharged by Dr Watt between 01 April 2012 and 30 June 2017.
2. On 02 May 2018, the Permanent Secretary of the Department of Health issued a statement on the patient recall. In a system-wide response, the Regulation & Quality Improvement Authority (RQIA) was directed to undertake 'a Review of the governance arrangements of outpatient services in the Belfast Trust, with a particular focus on Neurology and other high-volume specialties' and 'a Review of Governance Arrangements in Independent (Private) Hospitals in Northern Ireland'.
3. The Permanent Secretary's statement also directed RQIA to "*commission a parallel piece of work to ensure that the records of all patients or former patients of Dr Watt who have died over the past ten years are subject to expert review*". On 10 May 2018 RQIA received further detailed terms of reference which included a direction to "*commission an expert review of the records of all patients (current and former) of Dr Watt who have died over the last ten years to include deaths from more than ten years ago if concerns identified during this process indicating further retrospective review required*" (the Expert Review).
4. In parallel, on 10 May 2018, the Department of Health announced the establishment of an Independent Neurology Inquiry (INI) to be chaired by Mr Brett Lockhart, Queen's Counsel (QC). Subsequently, on 11 December 2020, this Inquiry was converted to a statutory public inquiry. Terms of Reference for the latter can be viewed on the inquiries website¹.

LEGAL CONTEXT

5. The legal context under which RQIA operates is detailed in [the Legal Framework](#) for the Expert Review.

¹<https://neurologyinquiry.org.uk/sites/ini/files/media-files/Independent%20Neurology%20Inquiry%20Terms%20of%20Reference%2011-12-%202020.pdf>

PROPOSAL FOR CONDUCTING THE EXPERT REVIEW

6. It is estimated that in the 10-year period prior to May 2018, there may be over 3000 deceased patients who, at some point in their lives, had been under the care of Dr Watt. Reviewing the care of all these deceased patients will require significant time and resource. To derive learning as early as possible, consideration had to be given to the most efficient methodology for executing the Expert Review.
7. The Department of Health approved RQIA's proposal to adopt a multi-phased approach to the Expert Review.

PHASE ONE OF THE EXPERT REVIEW

8. Phase One, which was a preparatory phase, concluded in November 2020 with the formal adoption of a Legal Framework to ensure access to the relevant records. This Framework was agreed and signed by the Chief Executives of all required Health and Social Care (HSC) bodies:
 - Regulation and Quality Improvement Authority
 - Health and Social Care Board
 - Public Health Agency
 - Business Services Organisation
 - Belfast Health and Social Care Trust
 - South Eastern Health and Social Care Trust
 - Southern Health and Social Care Trust
 - Northern Health and Social Care Trust
 - Western Health and Social Care Trust

PHASE TWO OF THE EXPERT REVIEW

9. RQIA has established a Project Team structure to develop and implement a number of work streams during the course of Phase Two of the Expert Review, in accordance with the following objectives:
 - i. Obtain and validate a dataset of all patients who died during the 10-year period prior to May 2018 (the Defined Period).
 - ii. Identify individual deceased patients whose records will be reviewed during Phase Two of the Review, clearly setting out the rationale for this selection.
 - iii. Obtain and validate a dataset of the patients whose records have been selected for review during Phase Two.
 - iv. Take reasonable steps to contact the next-of-kin or family members of the deceased patients whose records have been selected for review during Phase Two, to provide an opportunity to share their experiences and for RQIA to make available support where needed.
 - v. Commission an external Expert Panel to review the records selected for Phase Two and to consider any information shared with RQIA by next-of-kin or family members.
 - vi. Produce a report on the findings of the expert review, including identifying learning and making any such recommendations considered necessary to the Department of Health.

FUTURE PHASES

10. The specific plans for future phases of the Expert Review will be informed by the outcomes of Phase Two and in agreement with the Department of Health.

PURPOSE OF THE STEERING GROUP TO THE EXPERT REVIEW

11. The purpose of the Expert Review's Steering Group (the Steering Group) is to provide advice, guidance and oversight of the Project Team's work streams during the course of Phase Two of the Expert Review. The Steering Group's alignment within the overall structure of Phase Two is illustrated in Appendix 1.

The Project Team work streams include:

- Ethical Advisory Group
 - Clinical Advisory Group
 - Information and Clinical Records Group
 - Communication, Engagement and Involvement Group
12. Each of the above work streams will feed into the Steering Group through the submission of highlight reports and/or verbal updates as required. Specifically, the Steering Group will monitor the implementation and execution of the Expert Review to assure RQIA it is undertaken in a sensitive, professional, ethical and transparent manner by providing and offering advice and guidance to the Review work streams on:
 - key decision points during Phase Two of the Expert Review;
 - the refinement, development and execution of the methodology of the Expert Review; and
 - the development and execution of the family engagement, involvement and communication plans.

MEMBERSHIP OF THE STEERING GROUP

13. The Steering Group will be co-chaired by Professor Aneez Esmail, independent expert Clinical Advisor external to Northern Ireland and by Emer Hopkins, Interim Director of Improvement and RQIA Senior Responsible Officer for the Expert Review. Other members include:
 - Lynn Long, Interim Deputy Director of Improvement, RQIA
 - David Galloway, public representative, Director of the MS Society and Chair of the Northern Ireland Neurological Charities Alliance
 - Brian O'Hagan, service user representative, IHRD Duty of Candour Work Stream and Chair of the Service User and Carer Liaison Group Chair Inquiry into Hyponatraemia Related Deaths (IHRD)
 - Stuart Elborn, RQIA Board member
 - Jacqueline McGarvey, RQIA Board member
14. Co-chairs will rotate the role of the Chair during the lifespan of the Steering Group (Phase Two).

15. A quorum will be no less than four members to include at least one co-chair and representation from external representatives, RQIA Executive Management and Board members.
16. The Steering Group has the provision to co-opt additional members as and when required throughout Phase Two, at the discretion of the group.
17. Refer to Appendix 2 for pen pictures of Group members.

ACCOUNTABILITY AND REPORTING

18. Accountability for Phase Two of the Expert Review and each of its key work streams will be retained by the RQIA. The Senior Responsible Officer will regularly update the RQIA Board and will report to the Permanent Secretary of the Department of Health, on behalf of RQIA, in matters relating to the Expert Review.

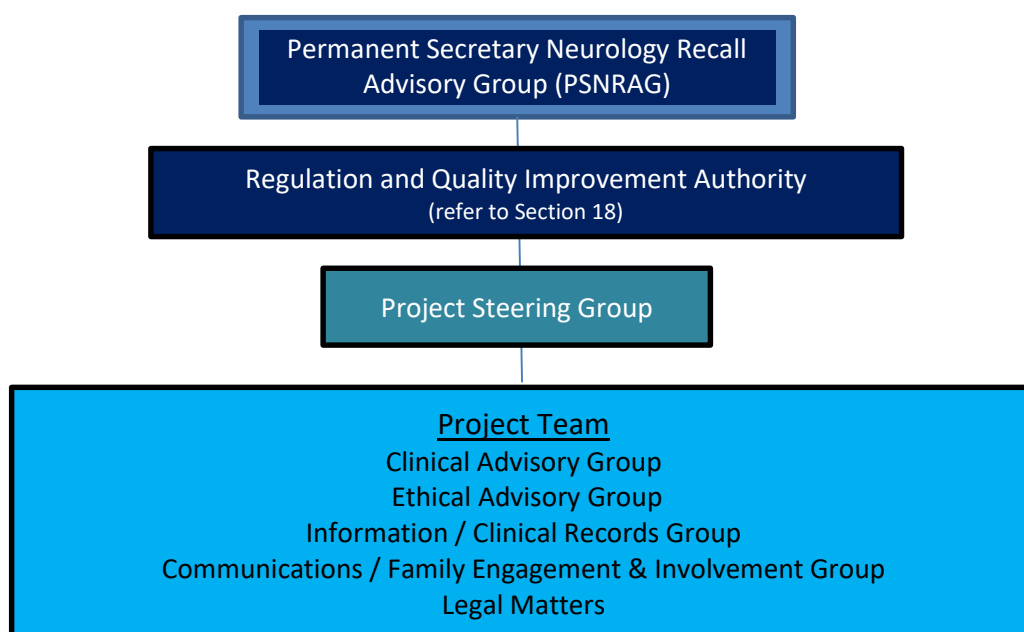
ATTENDANCE AT MEETINGS

19. The Review Project Lead and Assistant Director of Improvement, RQIA, will not be members of the Steering Group but will attend Steering Group meetings in order to (a) provide members with updates on progress against key milestones, and (b) seek advice and guidance in the event of potential or actual issues or risks arising that may hinder the progress of the Expert Review.
20. Members of other RQIA work streams related to the Expert Review will make themselves available to attend the Steering Group meetings to provide relevant information or advice.
21. The Steering Group will meet at least once every three months, or more often, as required during Phase Two. Meetings may be conducted virtually or in person.

OTHER MATTERS

22. An agenda for the meetings, save in exceptional circumstances, will be circulated to members at least five working days before each meeting and password protected supporting papers, wherever possible, will accompany the agenda.
23. Members of the Group will be asked to declare any potential conflict of interest at each Group meeting, or earlier if they deem appropriate.
24. A member of the Review Project Team will attend the Steering Group meetings to formally minute the meeting. The minutes will be approved by the Group.
25. A summary update relating to discussions at Steering Group meetings will be published on RQIA's Neurology Review website.
26. Members of the Steering Group will direct all requests for information about the work of the Review to the Co-Chairs unless this information is already publicly available.
27. The Group will be kept informed of any issues raised by the public or their representatives in relation to the Expert Review by the Chair at Group meetings.
28. These Terms of Reference relate specifically to Phase Two of the Expert Review and will be reviewed and further developed at key milestones as the Expert Review progresses.

EXPERT REVIEW PHASE TWO STRUCTURE



MEMBERSHIP

PSNRAG

Richard Pengelly, Permanent Secretary for Northern Ireland (Chair) and representatives from:

- Department of Health (DoH)
- Health & Social Care Board (HSCB)
- Public Health Agency (PHA)
- Belfast Health & Social Care Trust (BHSCT)
- Regulation & Quality Improvement Authority (RQIA)

Steering Group

- Emer Hopkins, Interim Director of Improvement, RQIA (Co-Chair and SRO)
- Professor Aneez Esmail, Clinical Advisor, University of Manchester (Co-Chair)
- Lynn Long, Interim Deputy Director of Improvement, RQIA
- David Galloway, Northern Ireland Neurological Charities Alliance
- Brian O'Hagan, IHRD Duty of Candour Work Stream , Chair of the Service User and Carer Liaison Group, and Chair of the Inquiry into Hyponatraemia Related Deaths (IHRD)
- Stuart Elborn, RQIA Board Member
- Jacqueline McGarvey, RQIA Board Member

Project Team – includes representatives from each of the working groups

- Linda Rafferty, Interim Project Lead, RQIA
- Jim McIlroy, Project Manager, RQIA
- David McCann, Assistant Director of Improvement, RQIA
- Dr Leanne Morgan, Clinical Lead, RQIA
- Dr Dermot Hughes, Clinical Advisor, Associate Consultant, Health and Social Care Leadership Centre (HSCLC)
- Rachel Stewart, Information & Intelligence Manager, RQIA
- Malachy Finnegan, Communications Manager, RQIA
- Caroline Hannan, Solicitor Consultant, Directorate of Legal Services (DLS)
- Robert Mercer, Regional Clinical Auditor Facilitator, RQIA
- Richard Gamble, Research Analyst, RQIA
- Jacqui Murphy, Head of Business Support Unit, RQIA

Clinical Advisory Group

- Professor Aneez Esmail, Clinical Advisor (Chair)
- Professor Richard Baker, Clinical Advisor
- Dr Dermot Hughes, Clinical Advisor, Associate Consultant, HSCLC
- Dr Leanne Morgan, Clinical Lead, RQIA

Ethical Advisory Group

- Professor Therese Murphy, Queen's University, Belfast (QUB) Law and Ethics
- Professor Hugh McKenna, Ulster University (UU) Nursing, member of Western Health & Social Care Trust (WHSCT) Clinical Ethics Committee
- Dr Ciaran Mulholland, Psychiatrist, member of Northern Health & Social Care Trust (NHSCT) Clinical Ethics Committee
- Brian O'Hagan, sits on the IHRD Duty of Candour Work Stream and Chairs the Service User and Carer Liaison Group Chair Inquiry into Hyponatraemia Related Deaths (IHRD)
- Dr Charlotte Blease, Beth Israel Deaconess Medical Center, Harvard Medical School

Information / Clinical Records

- Rachel Stewart, Information & Intelligence Manager, RQIA and Lead Officer for the Expert Review's Informatics requirements
- James McIlroy, Project Manager, RQIA and Lead Officer for the Expert Review's Clinical Records requirements
- Other contributors as required

Communications / Family Engagement & Involvement Group

- Malachy Finnegan, Communications Manager, RQIA and Lead Officer for the Expert Review's Communications requirements (Co-Chair)
- Linda Rafferty, Interim Project Lead, RQIA (Co-Chair)
- Dr Dermot Hughes, Clinical Advisor, Family Liaison Team
- Dr Leanne Morgan, Clinical Lead, Family Liaison Team
- Dr Nichola Rooney, Clinical Consultant Psychologist, Professional Advisor to the Family Liaison Team
- Robert Mercer, Family Liaison Team, RQIA
- Richard Gamble, Family Liaison Team, RQIA

STEERING GROUP MEMBERS

Professor Aneez Esmail – Co-Chair

Aneez is a Professor of General Practice at the University of Manchester and until April 2017, Director of the NIHR Manchester Patients Safety Translational Research Centre. He was Associate Vice-President for Equality and Diversity and Social Responsibility from 2005-2014.

He worked as the only Medical Advisor to Dame Janet Smith, the Appeal Court judge who chaired the Shipman Inquiry 2001-2005. He played a key role in developing the recommendations which resulted in significant changes on reform of the General Medical Council, death certification and investigation, controlled drugs regulation and the regulation and revalidation of doctors.

As a health services researcher he has published work in several areas of public health, including patient safety. He is recognised nationally for his research on discrimination in the medical profession. Much of the work that he has carried out in this area has resulted in significant changes in recruitment, selection, monitoring and assessment of the medical profession. This work was recognised internationally with the award of a Harkness Fellowship and Visiting Professorship at Harvard University in 1997. He was offered but declined an OBE for his contribution to primary care and race relations in 2002.

Emer Hopkins - Co-Chair

Emer is currently Interim Director of Improvement for RQIA holding corporate responsibility for the delivery of RQIA review programmes in addition to overseeing RQIA's Assurance and Improvement roles across Health and Social Care and Independent Healthcare. Emer is a Neurological Physiotherapist by professional background and joined RQIA in February 2019.

Lynn Long

Lynn is currently Interim Deputy Director of Improvement for RQIA and supports the Interim Director of Improvement in Assurance and Improvement across Health and Social Care and Independent Healthcare. Lynn is a mental health nurse by professional background and joined RQIA in 2009. During her time in RQIA Lynn has fulfilled roles across a range of services including care homes, mental health and learning disability facilities and acute and independent hospitals.

Stuart Elborn

Stuart is Professor of Medicine and Pro-Vice-Chancellor for Medicine, Health and Life Sciences at Queen's University and a visiting Professor at Imperial College London. In this role he is responsible for four schools in health and life sciences sector and leads a number of university initiatives. His clinical and research interests are focused on identifying new targets and diagnostics for infection and inflammation in lung disease and developing better therapies for people with cystic fibrosis and bronchiectasis. In these areas he has led in use of digital platforms and artificial intelligence in healthcare delivery. He currently leads an academic /industry consortium to develop capacity for COVID-19 testing in N Ireland. In 2013, he received a CBE for services to Healthcare in Northern Ireland.

Jacqueline McGarvey

Jacqueline is a qualified Social Worker with over 35 years' extensive experience working within Children and Families and Adult and Disability Services. Since 2016, she has been an Independent Social Work Consultant.

During her career, she was appointed by the Safeguarding Board for Northern Ireland to undertake Serious Case Management Reviews for children. She has also been appointed as a Panel Member for National Independent Review Panel for People with a Disability by the HSE, Ireland; as an interim appointment for Non-judicial Panel Member of the Historical Institutional Abuse Statutory Redress Board and as a Non – Executive Member of the Northern Ireland Social Care Council (NISCC).

Prior to June 2016, she was Assistant Director in Health and Social Services Trusts. Jacqueline previously commissioned services for children and families and was Policy Advisor for Safeguarding. She was previously involved in Audit of Hospitals for Children with Mental Health/Learning Disabilities for the then Department of Health, Social Services and Public Safety.

Brian O'Hagan

Brian's professional background is in the information and technology sector, but for many years he has been involved in healthcare from a service user and carer perspective. Brian is a campaigner for the rights of service users and carers to be at the heart of rebuilding Health and Social Care services, and for over a decade he has been involved in the development of the Personal and Public Involvement (PPI) and currently is vice chair of the Regional HSC PPI Forum.

Over the years, Brian has participated in various Departmental health groups, including:

- Health Minister's Transformation Advisory Board.
- Regional HSC Clinical Ethics Forum.
- Co-production Guidance Working Group
- NI Dementia Strategy Steering Group
- Dementia Risk Assessment Tools Development Group

Brian is also a member of the Implementation Programme Management Group, which was set up in response to the Inquiry into Hyponatraemia-Related Deaths (IHRD). Within this Programme, Brian sits on the IHRD Duty of Candour Work Stream and Chairs the Service User and Carer Liaison Group.

Brian has previously participated in RQIA reviews as a lay reviewer, including the Carer's Support and Needs Assessment Tool and more recently the RQIA Review of the Serious Adverse Incidents Process.

David Galloway

David is Northern Ireland Director of the MS Society and has chaired the NI Neurological Charities Alliance since 2018. Prior to joining the MS Society in 2018, David was Northern Ireland Director at the Royal National Institute of Blind People. He joined RNIB in 2010 after a career of 28 years in the civil service. His last 8 years' service were at the Department of Health where he was responsible, at a senior level, for policy in relation to hospital services. David has a BA in Business Studies.