

## Written Ministerial Statement

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### Department of Health

#### UROLOGY SERVICES INQUIRY TERMS OF REFERENCE, SETTING UP DATE AND THE APPOINTMENT OF A PANEL MEMBER AND ASSESSOR

*Published at 12.00 noon on Tuesday 31 August 2021.*

**Mr Swann (The Minister of Health):** In my oral statement to the Assembly, on 24 November 2020, I advised Members of my intention to establish a Public Inquiry, under the Inquiries Act 2005, into the circumstances surrounding Urology Services in the Southern Health and Social Care Trust. I further advised Members in my written statement to the Assembly, on 8 March 2021, of the appointment of Christine Smith QC as Chair of the Urology Services Inquiry.

Other key elements of this Statutory Public Inquiry include the establishment of the Terms of Reference, the appointment of expert personnel to the Inquiry and giving notice of a setting up date.

I am pleased to confirm that the process to develop the Urology Services Inquiry Terms of Reference has now been completed, which included stakeholder engagement with patients and families affected and the Assembly's Health Committee. Following consultation with the Inquiry Chair, Ms Christine Smith QC, the Terms of Reference for the Urology Services Inquiry have now been agreed. A copy of the Terms of Reference is attached to this statement for Members' information.

I am also pleased to confirm the appointment of two expert personnel to the Inquiry. Dr Sonia Swart has been appointed as an Inquiry Panel Member and Mr Damian Hanbury as an Inquiry Assessor.

Dr Swart, an Independent Advisor, practiced as a Consultant Haematologist in acute hospitals for 25 years and following a range of medical management roles she became Medical Director and then Chief Executive Officer of Northampton General Hospital. With her professional expertise and experience in improving the quality of care and improving the governance of clinical services, I believe that equips her to sit as a Panel Member on the Urology Services Inquiry.

Mr Hanbury, a Consultant Urologist, has been practicing for over 25 years with interests in general and diagnostic urology, urinary tract infection, kidney cancer, laparoscopic and open kidney and adrenal surgery. With his extensive expertise in the field of Urology, I believe that makes him a suitable person to provide assistance to the inquiry panel as an Assessor for the Urology Services Inquiry.

In adherence with the Inquiries Act 2005 and in consultation with the Inquiry Chair, the setting up date for the Urology Services Inquiry will be 6 September 2021.

The urology patients and families affected remain in my thoughts as the Inquiry embarks on its statutory responsibilities and I would like to again acknowledge the upset, distress and anxiety these matters have caused. Patients and families affected and who have concerns are encouraged to avail of the support which the Southern Trust has made available, including the Family Liaison Service and related support services.

I am confident the establishment of the independent Urology Services Inquiry will enable a full and transparent investigation of the circumstances leading to the Urology lookback review, and ensure lessons are learned in order to improve our healthcare systems and restore public confidence in our healthcare services.

## **TERMS OF REFERENCE FOR THE STATUTORY INDEPENDENT PUBLIC INQUIRY INTO UROLOGY SERVICES IN THE SOUTHERN HEALTH AND SOCIAL CARE TRUST**

The Urology Services Inquiry (the Inquiry) was established under the Inquiries Act 2005 and will be chaired by Christine Smith QC. The Inquiry will be wholly independent and not accountable to the Department of Health, the Executive, the Assembly, or any public body.

The Terms of Reference for the Inquiry are outlined below.

(a) To review the Southern Health and Social Care Trust's (the Trust) handling of relevant complaints or concerns identified or received prior to May 2020 and its participation in processes to maintain standards of professional practice. The Inquiry shall determine whether there were any related concerns or circumstances which should have alerted the Southern Trust to instigate an earlier and more thorough investigation over and above the extant arrangements for raising concerns and making complaints.

(b) To evaluate the corporate and clinical governance procedures and arrangements within the Trust in relation to the circumstances which led to the Trust conducting a "lookback review" of patients seen by the urology consultant Mr Aidan O'Brien (for the period from January 2019 until May 2020). This includes the communication and escalation of the reporting of issues related to potential concerns about patient care and safety within and between the Trust, the Health and Social Care Board, Public Health Agency and the Department. It also includes any other areas which directly bear on patient care and safety and an assessment of the role of the Board of the Trust.

(c) To examine the clinical aspect of the cases identified by the date of commencement of the Inquiry as meeting the threshold for a Serious Adverse Incident (SAI) and any further cases which the Inquiry considers appropriate, in order to provide a comprehensive report of findings related to the governance of patient care and safety within the Trust's urology specialty.

(d) To afford those patients affected, and/or their immediate families, an opportunity to report their experiences to the Inquiry.

(e) To review the implementation of the Department of Health's "Maintaining High Professional Standards Policy" by the Trust in relation to the investigation related to Mr O'Brien. The Inquiry is asked to determine whether the application of this Policy by the Trust was effective and to make recommendations, if required, to strengthen the Policy.

(f) To identify any learning points and make appropriate recommendations as to whether the framework for clinical and social care governance and its application are fit for purpose.

(g) To examine and report on any other matters which the Chairman considers arise in connection with the Inquiry's investigations in fulfilment of these Terms of Reference.

The clinical practice of Mr O'Brien is being investigated by the General Medical Council (GMC) and it would, therefore, be inappropriate for the Inquiry to encroach on the GMC's remit.

The Inquiry shall submit a report as soon as practicable to the Minister for Health. Should the Inquiry as part of its investigation establish any issue of concern which it believes needs to be brought to the Minister's immediate attention, then this will be done.