

INTERVIEW PROTOCOL

1. Background

The Independent Review of children's cardiac services in Bristol was triggered by the concerns of a number of families about the treatment and care received by their children. The Review was set up by the Medical Director of NHS England to carry out a thorough review of children's cardiac services at the hospital and its outreach clinics, to learn lessons and to contribute to the development of national standards of care.

2. Who will the Review seek information from and/or meet?

The Review Panel will draw up an initial list of individuals who will be invited to provide information to it and to meet with it. The list will be kept under review and updated as necessary in light of further evidence emerging from documents and interviews. Additional meetings may be arranged at a later date in response to evidence seen or heard by the Panel.

The Review may seek information from and/or interview individuals who were:-

- responsible for the leadership, management, governance and delivery of children's cardiac services at the Trust from March 2010 – July 2014;
- responsible for delivering care in the children's cardiac service during this period;
- employed in posts within hospitals within the South West and Wales which formed part of the wider network by which cardiac services were delivered to children in those areas and/or which referred children for care in Bristol;
- directly affected by the services and care delivered in the children's cardiac services at the Trust;
- employed in any one of a number of related organisations, and responsible for the commissioning, oversight, monitoring and supervision of the children's cardiac services or the analysis of information about them, as well as the standards of those providing the operational delivery during this period;
- responsible for the development of national policies, standards and procedures in respect of children's cardiac services and governance for the period in question.

As set out above, and in accordance with its Terms of Reference, the Review is primarily concerned with examining the service delivered between March 2010 – July 2014. However:

- earlier events may be relevant in understanding this period; and, in addition,
- the Review may seek information about relevant developments at the Trust or other organisations after this date to ensure it has a full picture.

3. Advance provision of written information

Individuals will be invited to meet with the Review to give their own account and respond to questions from Panel members.

A request to provide information will come in the form of a request to attend a meeting. This is because such meetings are likely to provide the most direct and useful means of discussing topics of interest and securing information. However, any person may respond to an invitation by setting out, in writing, their response to the topics outlined in the letter of invitation. Any signed statements sent in will be carefully considered, and used either to inform discussion at an interview or, possibly, to decide that a meeting is no longer needed as it would be unlikely to add significantly to the information in the Review's possession.

The signed statements will be stored by NHS England after the Review Report has been published. They will be held by it subject to the provisions of the Data Protection Act and the Freedom of Information Act. Prior to any transfer, the Review will seek to agree storage arrangements that respect its Terms of Engagement.

4. Collaboration with the Review

The Review will not refer to “witnesses” or to “giving evidence” to reflect the collaborative approach the Review has adopted and the nature of the process, which is a Review to establish the facts and make recommendations to improve care both locally and more widely in line with any findings.

The corollary is that the Review expects full cooperation from staff as well as organisations, in line with their professional duty and employment responsibility. It is expected that this will extend to anyone no longer employed in the NHS, and considers that present or future receipt of an NHS pension carries a corresponding responsibility.

Interviewees who are registered with the General Medical Council (GMC) are reminded that the GMC's Good medical practice guidance 2013 states that "You must cooperate with formal inquiries and complaints procedures and must offer all relevant information".

Interviewees who are registered with the Nursing and Midwifery Council (NMC) are reminded that the NMC Code states "You must cooperate with internal and external investigations".

5. Confidentiality and the use of information by the Review

The Review's Terms of Engagement set out information about confidentiality and the use of information given to it. Copies will be sent with the letter of invitation; attendees at interview will be asked to sign a copy of those terms, to indicate their understanding and acceptance of the principles set out.

6. How will the Review make initial contact with those it wishes to see?

The Review has asked a number of interested organisations to advise their staff (serving and former) about the Review and its Terms of Reference.

The Review will compile a list of interviewees and potential interviewees.

Unless the individual has already made direct contact with the Review the employer, former employer or, if appropriate, legacy organisation of each interviewee will be asked to make contact with the relevant individuals to advise them that the Review would like to seek information from them and/or interview them and thereafter communication will be directly between the Review and interviewees. This early notification to employers, former employers or legacy organisations should also assist them to plan for attendance of staff at the Review.

7. The storage of interviewee details

Once responses are received from attendees, their contact details will be stored by the Review on a database. The database is a secure site and can only be accessed by a small group of staff within the Review for the specific purposes of liaising with the attendees to arrange a schedule of hearings and to undertake the necessary administrative work that will be required to achieve this.

Contact details of individual interviewees will be retained by the Review for the duration of its work and until four weeks after the Report has been published.

Contact details will then be destroyed by the Review in accordance with Data Protection requirements.

8. Invitation to attend a meeting

As the Review is not part of a legal process, interviewees will not be legally represented and the Review will not deal with anyone other than the interviewee.

Interviewees will be advised that they are welcome to bring a relative, friend or colleague with them to the meeting who will be able to remain with the interviewee but not to comment on the proceedings or to ask any questions during the interview.

The Review recognises that some individuals may wish to be accompanied by a Trade Union official or a legal representative. Such a person is free to accompany them to the meeting but must attend as their colleague or friend and not in a representative capacity. Staff selecting a colleague as their supporter are encouraged not to choose a person in a direct line management relationship with them.

Appropriate refreshments will be provided for the interviewee and any relative, friend or colleague who accompanies them.

It is the expectation that attendees will have any reasonable expenses they incur as a direct result of attending an interview at the Review met by their employer. If an employer will not reimburse an interviewee for their expenses, each interviewee will be entitled to claim reimbursement from the Review for reasonable travel expenses. Receipts will be required for all claims. A claim form will be provided on the day of interview.

9. Preparation for an interview

Once dates are confirmed for attendance at the Review, interviewees and their employer, former employer or legacy organisation will be advised what principal subject(s) they will be asked about by the Review Panel, to enable them to undertake any necessary preparation. When possible the Review will advise both interviewees and their employer, former employer or legacy organisation, if any specific document(s) should be viewed prior to their attendance.

Interviewees should not need to attend any meeting with hard copies of material or prepared notes as they will be primarily invited to share their views and experiences rather than discussing the detail of individual documents.

Interviewees will be advised to contact their current/previous employer to arrange to view those papers that may assist them provide the Review with detailed responses to questions they may be asked.

There may be specific instances where the Review wishes to ask a person to comment on a particular document. If such a circumstance arises the Review will make appropriate arrangements for the interviewee to be made aware of the material.

Recognising that many interviewees may be operational NHS staff and have limited time or opportunity to prepare for their attendance, they will be given as much notice as possible of their interview by the Review, and of the topics to be discussed. The Review will establish at the earliest opportunity, what dates individuals are unavailable to attend for an interview. A minimum of two week's notice will be provided to confirm the arrangements for an interview.

Interviewees will be asked to confirm, in writing, that they will attend the Review on an agreed date(s) to ensure that everybody's time is used as effectively and efficiently as possible. They will also be advised what arrangements will be put in place should their interview over run. Interviewees may be required to return either the next day or on another date to conclude their interview.

10. Attendance at the Review

All interviewees will be sent a brief factsheet giving them information about the practical arrangements for their meeting.

All those attending a meeting will be asked to switch off their mobile phone, laptop computer, tablet, camera or any recording equipment while the meeting is taking place. Such equipment may be given to the Secretariat for safekeeping while the meeting is taking place. Because the Review will arrange for a note of the meeting to be produced which will be checked and can be amended by the person being interviewed, there is no need for any other recordings and these will not be permitted

The members of the Secretariat and Panel may retain laptop and/or recording devices to take records of the interview.

Meetings will take place in Bristol. They will commence each day at 10.00am. There will be a suitable half hour for lunch, and any meetings held in the afternoon will end by 5.00pm.

Interviewees will be able to attend the venue for a brief introduction by the Secretariat and given the opportunity to familiarise themselves with the meeting room. This will happen earlier in the day of their interview.

The Chair will give a brief introduction to each interviewee, explaining which Panel members are present and how the meeting will proceed and of the responsibility of all present to respect confidentiality. It is not anticipated that all of the Panel will be present at each meeting.

The Review will make a recording of the meeting. The recording will be made to aid the production of a transcript of the meeting. The recordings of these meetings (but not the transcripts, see below) will be destroyed when the Review's Report is published.

It will be a matter for interviewees how they respond to the questions they are asked and it will be a matter for NHS England and others what action is taken in response to the Review's findings and recommendations.

In the event that the Review should hear evidence from an individual about which they consider that they should take advice and/or take appropriate action, they will do so and the interviewee will be notified accordingly. See further the Terms of Engagement, on information-sharing.

The Panel may need to ask an interviewee about a specific patient or member of staff, and personal sensitive data will be referred to.

11. Following the meeting

Following their attendance at the Review, interviewees will be sent a copy of the transcript of their meeting. The transcript will be provided in hard copy. The attendee will be asked to add any further clarification or other information that will help ensure their account is as complete as possible.

Any subsequent or related question that the Review Panel may have following a meeting will, when possible, be dealt with in correspondence between the Review and the attendee. Every effort will be made to avoid having to recall any person, however this may have to be arranged in exceptional circumstances or when additional information of significance has arisen from interviews or documentary evidence.

The notes of each interview will be stored by NHS England after the Review Report has been published. They will be held by it subject to the provisions of the Data Protection Act and the Freedom of Information Act. Prior to any transfer, the Review will seek to agree storage arrangements that respect its Terms of Engagement.

12. Handling of media enquiries/interest in the interviews

The Review is aware that some meetings could generate media interest. However, the Review will not release details of those whom it is arranging to meet. Further, the media are not permitted to attend the interviews or to enter the building and the Review will make this clear on its website.