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Our ref: CIMS 73695, 73696 and 73697  
Case ref: 01761-2018

**Private and Confidential**

Mr Andrew Harris  
Senior Coroner  
Southwark Coroner's Court  
1 Tennis Street  
Southwark  
SE1 1YD

NHS Professionals Ltd  
Suites 1A & 1B  
Breakspear Park  
Breakspear Way  
Hemel Hempstead  
Hertfordshire  
HP2 4TZ

By email: [REDACTED]

20 September 2019

Dear Mr Harris

**Regulation 28 Report to Prevent Future Deaths following the inquest of Alex James Blake who died at Lambeth Hospital, London, on 24 June 2018 (Case Ref: 01761-2018)**

I am writing to you to respond to the concerns raised by your investigation into the circumstances surrounding the tragic death of Alex James Blake.

NHS Professionals takes very seriously its responsibility to act upon what it learns from unexpected deaths of patients, who were cared for by Bank Members whilst in the care of the NHS.

In your report you identified the following Matters of Concern:

1. The evidence of the three NHS Professionals Bank Members gave rise to concerns that the mandated observations were either not performed to the requisite standard or not performed at all; and
2. There was inconsistency of account given by the three Bank Members as between their written statements, the records and their oral evidence, raising the possibility of dishonesty.

You asked NHS Professionals to consider whether there are wider implications for the organisation's recruitment and training processes.

Your report was sent to two organisations:

- NHS Professionals Ltd, Suites 1A & 1B, Breakspear Park, Breakspear Way, Hemel Hempstead, HP2 4TZ.
- The Nursing & Midwifery Council, 1 Kemble Street, London, WC2 4AN.

NHS Professionals is wholly owned by the Department of Health and is the leading provider of a managed flexible workforce into the NHS. NHS Professionals is not a provider of services and provides Bank Members to NHS organisations only. We recruit Bank Members in line with NHS employment check standards and adhere to strict Clinical Governance guidelines when recruiting, training and managing Bank Members.

NHS Professionals has been working in partnership with South London & Maudsley NHS Foundation Trust since 2008, providing general and specialist nurses and healthcare workers.



### Explanation of NHS Professionals role in the provision of flexible staffing

In order to respond to the matters raised in your report, it is helpful to set out the ways in which NHS Professionals recruits and retains staff, and the arrangements upon which those staff are assigned to work in NHS organisations.

We are committed to providing safe and reliable Bank Members to Client Trusts by working in partnership to support the effective delivery of patient care to the population served by the Trusts we work with.

There is a framework for governance and assurance within NHS Professionals supported by the Chief Nurse who is the Director of Clinical Governance and represents clinical leadership on the Board, and the Medical Director who is also the Responsible Officer. Clinical Leadership is overseen by the Clinical Governance Committee, chaired by a clinical Non-Executive Director and is a sub-committee of the NHS Professionals Board.

NHS Professionals works in partnership with NHS Trusts to manage temporary staffing banks on their behalf. We currently manage the temporary staff banks for 10 Mental Health Trusts and 45 Acute Trusts. We have approximately 35,000 Bank Members actively working at any one time. Staff working NHS Professionals shifts in a Client Trust have been recruited through one of 3 recruitment processes:

#### *Substantive Registration*

Substantive Registration is the primary registration route, which is available to applicants who hold a substantive post within a Client Trust. The substantive registration process allows substantive staff, referred to as Multi Post Holder Bank Members, to work back at the Trust where they are substantively employed and in an area of work that has been authorised by a Trust Manager. All training requirements for substantive staff are delivered by the Trust.

#### *Bank Registration Recruitment Standards*

The Bank Registration process is available to applicants who do not hold a substantive position in an NHS Professionals Client Trust or where the applicant wants to undertake shifts at a Trust other than where they hold their substantive position. Where this is the case, an applicant will undertake one of two routes to recruitment:

**Bank Exclusive:** the applicants recruited through this route are known to the Client Trust, i.e. have previously worked substantively within the Trust or have worked in the Trust through a commercial agency and are therefore known to the Trust. Following recruitment by NHS Professionals, they will only work in the one Trust in which they are known.

**Bank Only:** the applicants apply to work flexibly across the NHS Professionals client base in the areas where they can demonstrate:

- 6 months experience in the previous 2 years
- Successful completion of a Knowledge Based Assessment, where applicable linked to grade and speciality.

### Evaluating Bank Members performance

NHS Professionals uses an online performance review and monitoring system that helps to resolve concerns informally at an early stage. It identifies Bank Members who are performing well and also highlights any lack of skills or knowledge development. Performance assessment is completed by the client Trust. NHS Professionals will put in place improvement measures for Bank Members where poor performance or skill deficit has been identified by a Trust.

When working an assignment in a Client Trust, NHS Professionals staff work to individual Trust policies and guidelines and this is managed and monitored directly by Trust staff, as opposed to by NHS Professionals. Bank Members are required, along with all Trust staff, to maintain accurate and up to date records and this is monitored and managed directly in the Trust. All registered nurses are bound by The Code (NMC) that is the professional standards of practice and behaviour for nurses, midwives and nursing associates. Under 'Practise Effectively' section 10 of The Code it states, 'Keep clear and accurate records relevant to your practice'.

### Action taken by Trust and NHS Professionals following Mr Blake's death

NHS Professionals was informed of Mr Blake's death on 6 July 2018, by the Ward Manager. We were informed that the Bank Members were not implicated in the events surrounding Mr Blake's death. The manager wanted to ensure that we would be able to support the Bank Members with counselling if required. The Bank Members could continue to work bank shifts within the Trust. We did not receive the SI report.

The Trust legal team included the three Bank Members in preparation for the inquest. We were not aware at this time that the shift on 23/24 June 2018 was staffed exclusively by Bank Members.

Against the above background, I have set out NHS Professionals' response below to the matters of concern you have identified and the actions which should be taken.

### **Response to Concerns:**

As a result of the concerns you have asked NHS Professionals to take the following action:

- For NHS Professionals to consider whether to conduct an Internal Investigation or a fitness to practise investigation
- For NHS Professionals to consider the wider implications for NHS Professionals recruitment and training

For the avoidance of doubt, it is understood that the Coroner has made a referral to the NMC in respect of the staff members concerned.

On receipt of the Prevention of Future Deaths Report on 2 August 2019 we obtained all the information relating to the case from South London & Maudsley NHS Foundation Trust which included the SI report.

I can confirm that the concerns raised were acted upon immediately and are currently the subject of ongoing investigations. I would therefore wish to assure all concerned that action will be taken to remedy any identified organisational or individual deficits arising from this process in the interests of patient safety.

NHS Professionals Interim Clinical Governance Director and Senior Nurse/ Head of Risk met with the Trust Interim Director of Nursing, to review the process undertaken in this case. There are lessons to be learned for NHS Professionals, specifically around the communication between the two organisations and about a systematic approach to information sharing. A future meeting is planned to ensure the



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appropriate links of the lead clinicians in both organisations are in place so that cases are accurately categorised and managed effectively and where action is required it is undertaken promptly.

### Wider Implications for NHS Professionals Recruitment and Training Processes

As outlined above NHS Professionals recruits to NHS employment check standards and adheres to strict Clinical Governance guidelines when recruiting, training and managing Bank members. NHS Professionals' mandatory and statutory training is aligned to the Core Skills Framework. Training provision is reviewed and updated regularly as part of that process we are currently working with a specialist consultant and reviewing all training provision both in practice and online.

In addition to statutory and mandatory training, individual Client Trusts may have specific additional training requirements for bank staff who are provided via NHS Professionals and, where this is the case, NHS Professionals works in partnership with a Client Trust to support delivery of this additional training. The Trust Engagement and Observation Policy Version 6.1 (July 2017) includes a Nursing Verification of Competence proforma which requires a competency assessment prior to any 'nurse' undertaking any level of observation. This is undertaken at ward level.

Evidencing of successful completion and update of the competency assessment was discussed at the meeting with the Interim Director of Nursing and will form part of the actions to be included in the whole systems review.

In addition to the above should a Client Trust have concerns about the competence of a worker provided by NHS Professionals, they can inform us about this through the Complaints and Incidents Management System (CIMS) feedback form. CIMS is a bespoke complaints management system which supports the case management, documentation and on-going review of concerns that have been raised by a Client Trust. NHS Professionals has a designated Clinical Governance Nurse Lead and Education Liaison Team of 8 Registered Nurses and 2 Complaints Investigators who manage complaints investigation. The team also manage the remediation and continuing professional development (CPD) action plans at the outcome of investigations for Bank Members. All concerns and complaints are reviewed and discussed monthly with Client Trusts, who receive a full report of all ongoing cases to enable them to monitor steps taken.

I hope that the information provided offers assurances that the findings of your investigation and the areas of concern you have highlighted have prompted action and have been the focus for our continuing commitment to providing and improving the provision of safe and effective Bank Members into our Client Trusts.

If you require further information from NHS Professionals in relation to any of the above matter, please do not hesitate to contact me.

Yours sincerely

Nicola McQueen  
Chief Executive Officer  
NHS Professionals

RECEIVED

24 SEP 2019