Professor Paul Marks
East Riding and Hull Coroner's Service
The Guildhall
Alfred Gelder Street
Hull
HU1 2AA

National Medical Director
NHS England
Wellington House
133-155 Waterloo Road
London
SE1 8UG

[redacted]

[redacted]

20 September 2023

Dear Coroner,

Re: Regulation 28 Report to Prevent Future Deaths – Finley Austin May who died on 16th March 2021.

Thank you for your Report to Prevent Future Deaths (hereafter "Report") dated 26 July 2023 concerning the death of Finley Austin May on 16th March 2021. In advance of responding to the specific concerns raised in your Report, I would like to express my deep condolences to Finley's parents and family. NHS England are keen to assure the family and the coroner that the concerns raised in your Report been listened to and reflected upon.

Your Report raised that the use of Kielland's rotational forceps resulted in high spinal cord injury leading to the death of Finley. During the course of the inquest, evidence was heard that the use of these obstetric forceps can facilitate delivery from the mid-pelvis in cases of malrotation, asynclitism and where the lie is occipito-transverse or occipito-posterior, and that this is a well-accepted practice.

The Royal College of Obstetricians and Gynaecologists (RCOG), who I note you have also addressed your Report to, published clinical guidance to support obstetricians and gynaecologists to deliver high quality care. Their guidance on evidence-based recommendations for assisted vaginal birth can be found here: Assisted Vaginal Birth (Green-top Guideline No.26). Following several adverse incidents, in June 2023, RCOG posted an update to this guidance, encouraging clinicians to review and consider their obligations around the use of Kielland's rotational forceps. The update states that rotational births using Kielland's forceps should only be performed by experienced operators or under the direct supervision of an experienced operator. An ultrasound assessment of the foetal head position prior to the application of the forceps is also advised.

NHS England accepts RCOG's advice that delivery using Kielland's forceps may be appropriate in certain clinical situations. As part of their safety governance standard operating practices, NHS Trusts providing maternity care should ensure that:

- Any clinician leading a delivery using Keilland's forceps should be trained and competent in their use and be aware of all the risks associated with the technique.

- Any clinician conducting an operative vaginal delivery should assess the advantages and disadvantages of the available delivery techniques.

- Any clinician conducting an operative vaginal delivery should ensure that the pregnant woman has been made aware of the delivery options available to her and the material facts as part of the consent process.

NHS England's regional members of the Regulation 28 Working Group (please see penultimate paragraph) will be asked to communicate with their Integrated Care Boards to ensure that all Trusts are fully aware of the updated guidance.

Birmingham University are also in the process of recruiting to the ROTATE trial. The randomised trial will look at manual versus instrumental rotation of the foetal head in malposition at birth. The trial will evaluate the differences between the two rotational techniques and the clinical outcomes for mothers and babies, and whether manual rotation reduces the risk of severe maternal perineal trauma. The results of this trial will be carefully reviewed.

I would like to provide further assurances on national NHS England work taking place around the Reports to Prevent Future Deaths. All reports received are discussed by the Regulation 28 Working Group, comprising Regional Medical Directors, and other clinical and quality colleagues from across the regions. This ensures that key learnings and insights around preventable deaths are shared across the NHS at both a national and regional level and helps us pay close attention to any emerging trends that may require further review and action.

Thank you for bringing these important patient safety issues to my attention and please do not hesitate to contact me should you need any further information.

Yours sincerely,

[redacted]

[redacted]
National Medical Director