



Department of Health & Social Care

*From Minister Karin Smyth MP
Minister of State for Health*

*39 Victoria Street
London
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Our ref: [REDACTED]

HM Coroner Jacqueline Lake
County Hall
Martineau Lane
Norwich
NR1 2DH

By email: [REDACTED]

13 September 2024

Dear Jacqueline,

Thank you for the Regulation 28 report of 25 July sent to the Department of Health and Social Care about the death of Mr David Curry. I am replying as the Minister with responsibility for health, including secondary care.

Firstly, I would like to say how saddened I was to read of the circumstances of Mr Curry's death, and I offer my sincere condolences to their family and loved ones. The circumstances your report describes are concerning and I am grateful to you for bringing these matters to my attention.

The report raises concerns over the amount of time Mr Curry was on a waiting list for elective treatment – for five months from April 2023, until he approached a private provider in September 2023. Lack of theatre capacity at Norfolk and Norwich University Hospitals NHS Foundation Trust (NNUH) is cited as the reason Mr Curry did not receive a procedure date. The report also raises concern about the increased clinical risks associated with Mr Curry's long waiting time, particularly the increased risk of post operative infection which is cited as one of the medical causes of death.

I want to assure you that tackling waiting lists is a key part of our Health Mission and a top priority for this government, as we get the NHS back on its feet. We have committed to achieving the NHS Constitutional standard that 92% of patients should wait no longer than 18 weeks from Referral to Treatment (RTT), by the end of this parliament.

It is unacceptable that some patients are waiting five months or more for elective treatment. The NHS and the Department are providing regional and national support and scrutiny to the most challenged Trusts with the largest backlogs of long waiters, including NNUH.

In preparing this response, Departmental officials have made enquiries with NHS England (NHSE). NHSE has raised your concerns directly with the Integrated Care Board (ICB) relevant to this case (Norfolk and Waveney ICB).

The ICB's Elective Recovery Board (ERB) is responsible for overseeing elective activity in the area, supporting Trusts to maximise elective capacity, including theatre capacity, across the system, and to use capacity in line with clinical prioritisation. The ERB takes a system-

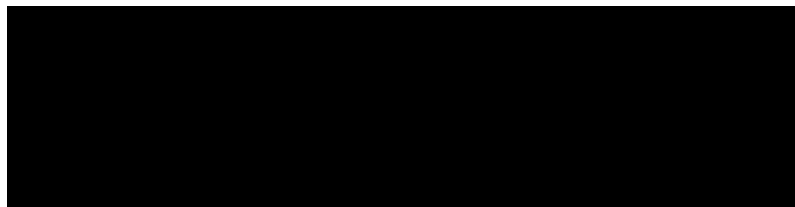
wide approach to improving productive use of theatres and driving collaboration, including through mutual aid. In July, the Norfolk and Norwich University Hospital Orthopaedic Centre opened in NNUH, with four new theatres for elective orthopaedic surgery. Whilst Mr Curry's surgery could not have taken place in this centre, the additional theatre capacity for orthopaedics will free up other theatres in the Trust for surgery in other specialties.

With regards to your concern over the increased risks of long waiting times for elective treatment, the Trust has a Clinical Harm Review Group which oversees compliance with guidelines for monitoring and mitigating the risk of harm to people on waiting lists. The ICB has recently established a System Clinical Harms Review Group with an overarching aim of keeping people on elective waiting lists safe. The Group will bring together key partners to share learning and reduce unwarranted variation in clinical harm review processes across the ICS, including clinical prioritisation processes which would have impacted this case. The Group will also highlight to the ERB any themes emerging in terms of harms to be reviewed, so such harms can be mitigated for future patients. In future, the Group will expand and provide further 'waiting well' initiatives alongside the current harm review processes.

Norfolk and Waveney ICB has reached out to the healthcare providers involved to offer their support to progress any internal learning identified. This case will be taken to their ICS Learning from Deaths Forum to ensure key learning is shared across the system.

I hope this response is helpful. Thank you for bringing these concerns to my attention.

Yours sincerely,



KARIN SMYTH
MINISTER OF STATE FOR HEALTH