

Sir David Sloman & Dame Ruth May
Chief Operating Officer & Chief Nursing Officer

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

8 July 2023

Dear Donna,

Re: Independent Review of Maternity Services at Nottingham University Hospitals NHS Trust (NUH)

Thank you for your patience over the past few weeks regarding your request for the Review methodology to be changed from an 'opt-in' approach to an 'opt-out' approach. We are writing to inform you that we have taken the decision to make this significant change and move to a full opt-out approach.

The discussions we needed to hold to reach a decision have been complex and detailed in nature, taking into account the views and representations we have received from different families. As we have sought to explain to you in our conversations over the past few weeks, it has been vital to ensure that we have the input and support of the NHS England Executive and Board as well as the Department of Health and Social Care. When we met with you at our NUH Review Oversight Committee on 22 June we said that we would need to discuss the options with the Quality and Performance Committee, which we did on Wednesday 5 July, and we also discussed the options with the separate Quality Board Sub-Committee yesterday, on Friday 7 July. This reflects our continued belief in the importance of the Review for the people of Nottingham and Nottinghamshire, patients, families, and staff at Nottingham University Hospitals.

When we met with you and with members of the Nottingham / NUH Maternity Review Family Group in Nottingham, we hope to have made clear that, as the commissioners of this Review, we remain committed to listening to their views, reflecting on them, and responding appropriately. On the two occasions that we have met with these families in person, we have been struck by the pain and tragedy they have experienced, as well as the dignity with which they have represented the views of a wider group of families in order to help ensure that this Review achieves its aims of securing the best and widest possible learning and improvement for NUH services.

We have listened to your views about the approach and acknowledge your strength of feeling in describing the reasons why we should move to an opt-out methodology – as shared by your Team, the Family Group and local MPs, especially with regards to the unacceptably low relative representation of women and families from ethnic minority communities and deprived communities in the cases that you and your Team are examining. You have all also raised an important point about this approach in that having all cases reviewed will provide absolute certainty to you and your Team that all possible learning will have been captured.

There are some specific implications that we now need to consider with you as we move forward with this new agreed approach. We will work with you to consider the best ways to communicate the change with all families, respecting the wishes of those who have already requested non-participation in the Review, and acknowledging and responding to the concerns of others who may be distressed by this change in approach. Ensuring we are as clear as possible on the need for the Review to adopt a robust approach to appropriate anonymisation and data privacy will be vital. In addition, we will also need to consider together how this affects the overall timeline and costs of the Review, the ways in which we and local NHS services can support you to build on the positive community engagement work of the Review to date, and how we can continue to give NUH the best chance of progressing on its improvement journey.

We would appreciate an urgent conversation with you ahead of your annual leave commencing later this month and our offices will be in touch with yours very shortly. We have also requested a meeting with the Family Group and have accepted a request from local MPs to meet.

Thank you for the hard work and dedication with which you and your wider Team are undertaking the Review to ensure that it delivers what it needs to for NUH patients, families, staff and the wider Nottinghamshire public.

Yours sincerely,



Sir David Sloman
Chief Operating Officer
NHS England



Dame Ruth May
Chief Nursing Officer
NHS England