

Dear Wes,

**Date**

11.09.2023

Thank you for your letter on your intention to deliver a regulatory framework that strengthens the accountability of managers and enhances patient safety.

The NHS Confederation shares your horror and sadness on the deaths of seven babies at the Countess of Chester Hospital. We are united in our desire to ensure that we never see such a terrible case again.

NHS leaders are absolutely supportive of developing mechanisms that will enhance patient care, improve safety and save lives, and always seek further ways to improve. The health service has already been doing a lot of work around patient safety over the past few years, including:

- The introduction of freedom to speak up guardians in 2016, to assist staff who want to speak up about their concerns – more than 900 local guardians now cover every NHS trust.
- In 2018 NHS England launched the maternity safety support programme to ensure that underperforming trusts receive assistance before serious issues arise, and funding was made available for the national perinatal mortality review tool, which supports trusts and parents to understand why a baby has died and whether any lessons can be learned to save future lives.
- The appointment of Dr Aidan Fowler in 2018 as the first national director of patient safety.
- The publication of the first patient safety strategy in 2019, including the creation of several national programmes, which require NHS organisations to employ dedicated patient safety specialists, ensuring all staff receive robust patient safety training and use data to quickly recognise patient safety risks.
- The introduction of medical examiners across England and Wales to independently scrutinise deaths not investigated by a coroner, whose role includes contacting bereaved families and find out whether they have any concerns.
- The appointment of Dr Henrietta Hughes in 2022 as England's first patient safety commissioner.
- This summer NHS England published the fit and proper person framework, incorporating many recommendations made by the Kark Review, which introduced additional background checks,

the consistent collection of directors' data and a standardised reference system, thus preventing board members unfit to lead from moving between organisations. This is being revisited to explore implementation of Kark's recommendation 5 on disbarring senior managers.

- By January 2024 all trusts will have adopted a strengthened, national freedom to speak up policy, which will bring more consistency across organisations providing NHS services, and support staff to feel more confident with raising concerns.
- The Getting it Right First Time programme team is also due to launch a centralised and regularly updated dataset to monitor the safety and quality of national neonatal services

Patient safety is the number one priority of our members, and they fully understand the renewed public and political interest in the independent regulation of senior healthcare leaders in light of recent events, so we welcome their inclusion in this conversation. We are already consulting members on how patient safety measures may be strengthened, and for their thoughts on the tighter regulation of managers; we will be happy to share this insight with you in due course.

We of course await the inquiry to understand what interventions and by who might reasonably have prevented the extent of what happened at the Countess of Chester. While it is right and necessary that NHS regulation is looked at again in light of these terrible events, increased regulation should not be considered a silver bullet for the NHS's ails but should go hand in hand with a wider, holistic review of potential actions that could strengthen the NHS and patient safety.

We always stand ready to support to governments, partners, patients and regulators in their efforts to improve the NHS for all, and we would be pleased to help you look at how and where regulation could be strengthened for the ultimate benefit of patients.

Yours sincerely,



**Matthew Taylor**  
**Chief executive**  
**NHS Confederation**