

# Publication of cancer waiting list independent review



17th December 2014

The other report - the Retrospective Review of Cancer Care [report in full](#) including summaries.

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The independent investigation into concerns about the manipulation of cancer waiting lists at Colchester Hospital University NHS Foundation Trust has found no evidence that staff were instructed to manipulate cancer data. The authors of the report also say they found no evidence of a systemic culture of bullying in the Trust, and that interpersonal relationships were considered to be good.

The report does, however, say that the preliminary investigation into concerns raised by staff was mismanaged and it says a senior manager did not adequately explain data validation decisions to more junior staff which led to concerns that were never properly resolved.

The independent investigation was undertaken by Carole Taylor-Brown, a former Chief Executive of NHS Suffolk and former Chair of the Anglia Cancer Network, and Professor Pat Troop, a former Deputy Chief Medical Officer of England. The investigation was commissioned by the Trust's Senior Independent Director and the terms of reference were agreed by Monitor, the health care regulator for England.

## Background

The investigation arose from a chain of events that began in 2011 when a patient contacted the Trust's then chief executive alleging that he (the patient) had been told that cancer waiting lists at the Trust were being manipulated. The Trust's finance director, with support from the director of HR, conducted a preliminary investigation into these allegations but the Trust later conceded that this investigation was inadequate and the Trust apologised.

In November 2013 the Care Quality Commission (CQC) published the report of a Trust inspection that it conducted which identified concerns about cancer patients who had suffered delays in receiving appointments or treatment.

As a result of the CQC report, the Trust was placed into special measures and the Trust's then Senior Independent Director, Sir John Ashworth, commissioned the Troop/Taylor-Brown investigation.

The independent investigation remit included:

- establishing the facts behind this chain of events
- considering the appropriateness of the management response
- assessing the effectiveness of the Trust's whistleblowing policy
- considering any wider issues around bullying and harassment
- determining whether disciplinary action was appropriate for any employee remaining in the employment of the Trust

The report makes a number of key findings, including the following:

## **Data manipulation**

The report says: "There is no evidence to support that there was at any time an instruction to junior staff (or others) to manipulate data or make inappropriate adjustments to cancer data."

## **Culture of bullying**

The report says: "We could find no evidence to support the view that there is a systemic culture of bullying in the Trust and this suggestion was strongly rejected by the staff and their representatives whom we interviewed who said they simply did not recognise the media reports as consistent with their experience of working at the Trust . . .

"We think it is important to stress for the avoidance of doubt in light of the media presentation of these issues, that the interview evidence of the individuals concerned including those who raised specific concerns, clarified that at no time were individuals instructed or bullied to amend cancer or any other data inappropriately by any senior manager."

With respect to any possible disciplinary action, the report says: "There is no case to answer for any individual . . . in respect of alleged bullying and harassment."

## **Management/staff relationships**

The report says that the relationship between one particular manager and his Multi-Disciplinary Team Co-ordinators (MDTCs) was generally good and there was no evidence of any bullying or any suggestion that the MDTCs were instructed to amend data inappropriately. "However", the report says, "we found that [this manager] did not adequately explain his rationale for his decision making to his subordinate staff and this led to the rising tide of concern amongst them which was never properly resolved."

## **Whistleblowing policy**

The report says: "We found little awareness of the Whistleblowing Policy during our detailed investigation of the MDTC concerns in 2011/12 amongst the MDTCs and little if any evidence that the policy was considered by the senior managers at the time as part of their investigation of those concerns, even though in January 2012 a weekly blog from [the former chief executive] had highlighted the policy to staff."

## **Original review**

The report says that the preliminary investigation of concerns raised by the MDTCs was mismanaged from the outset by the former Director of Finance, because he failed to ensure that the preliminary investigation (and consideration of its findings) involved appropriately qualified and experienced people. The report also points out, however, that the primary individuals involved in the management of the original review are no longer employees of the Trust and it concludes "we consider that it is not appropriate to consider disciplinary action for the two managers identified to us as still in the employ of the Trust as at September 2014."

The report notes a number of lessons for organisations across the NHS including:

- the need for NHS organisations to establish an open and engaging working climate that encourages and supports staff to come forward with ideas and concerns
- key internal policies should be simple and accessible
- managers should provide an opportunity for concerns raised by staff to be openly and constructively explored

- the preliminary investigation of concerns raised by staff should be undertaken by trained investigators and supported by people with relevant expertise

Dr Lucy Moore, Chief Executive of Colchester Hospital University NHS Foundation Trust, said: "I welcome the publication of this report. It is an important step towards rebuilding public trust and confidence in the cancer services provided here in Colchester. It gives reassurance to our patients, their relatives and our local community that the authors found no evidence of manipulation of cancer data or of a systemic culture of bullying within the Trust.

"Of course, there are some important lessons here too and we will certainly learn them. We have been making improvements to our cancer services since the CQC review was published at the end of last year and we are now implementing a comprehensive Cancer Improvement Plan.

"This work is ongoing and the Trust's aim is to be able to offer complete assurance to the Trust board, its health partners and the wider public that all data reporting is now accurate and trustworthy."

Peter Wilson, the Trust's Chairman, said: "Although this report found no evidence of a systemic culture of bullying, this Trust takes bullying very seriously and will take prompt action wherever and whenever bullying is identified.