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Shared Insights

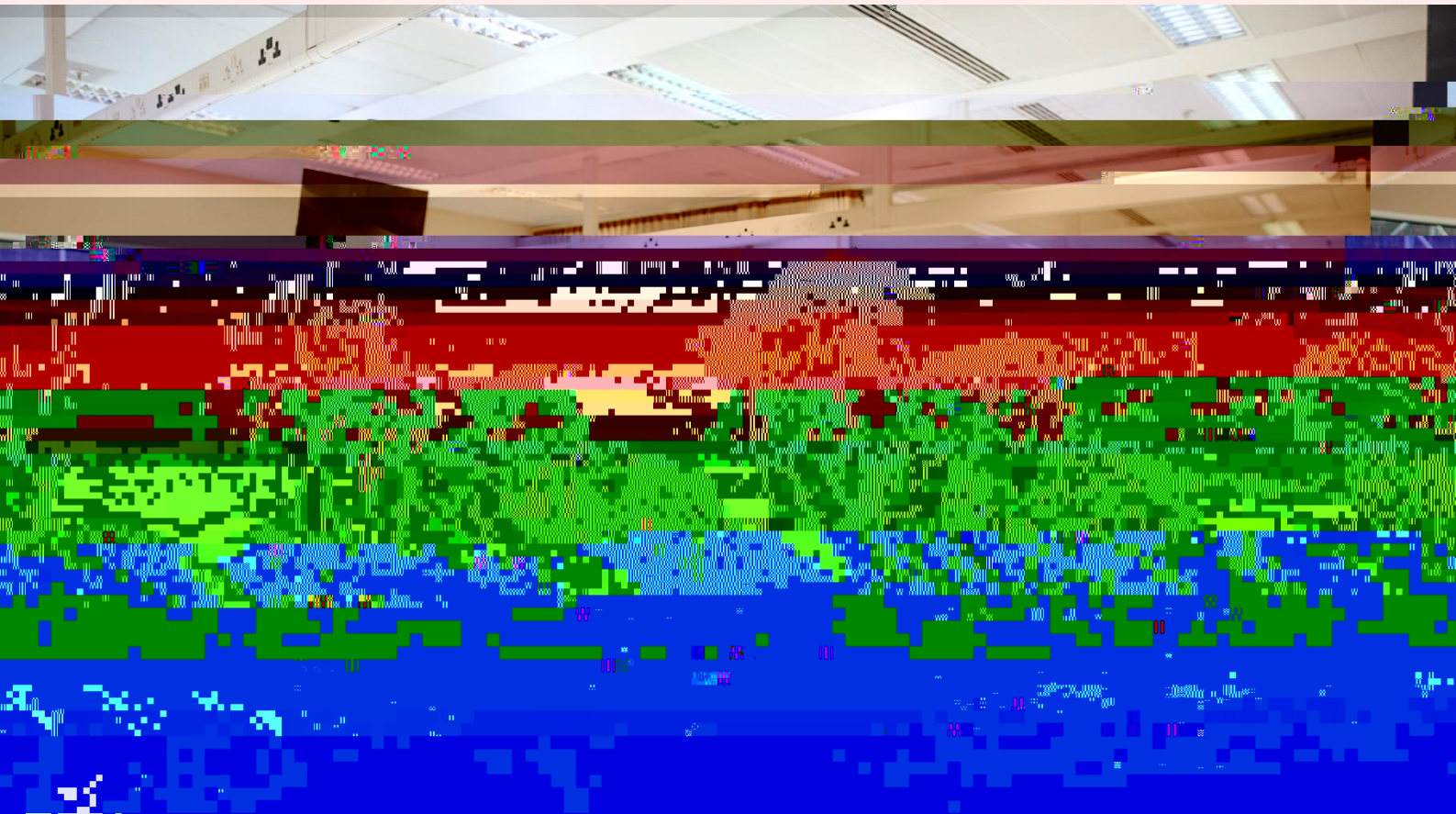
Learning lessons from national inquiries

Panel of speakers

Moosa Patel, Director of the Office of Modern Governance

Eleanor Grey, KC of 39 Essex Chambers

Gerard Hanratty, Partner and Head of Health and Life Sciences at Browne Jacobson



This session was chaired by Browne Jacobson's Gerard

Background

Gerard Hanratty . Partner
Browne Jacobson

Public inquiries generate a substantial volume of recommendations, and many questions are asked as to the extent to which these are actually implemented. When acting for public sector clients who are subject to a public inquiry, one of the first questions lawyers ask is how they can show that previous recommendations have been implemented. If they are expected to explain why

How public bodies can demonstrate implementation and compliance with recommendations is an important topic. A recurring theme of public inquiries over the last 10 years has been how recommendations have been made and what they are.

In the ongoing Thirlwall Inquiry, the Inquiry are looking at healthcare [recommendations](#) from other investigations and public inquiries to see if they have been implemented and, if so, what impact they have had. The themes from the Thirlwall Inquiry include:

- ~ Improving patient safety.
- ~ Improving NHS culture and governance.
- ~ Improving the ability to raise complaints and concerns.
- ~ Regulation and oversight of NHS managers.

In 2022 the NHS was the seventh largest employer in the world, with about 1.4m employees. How you go about changing culture in an organisation that big is a significant challenge.

Even without looking at public inquiries, there are a lot of recommendations coming down the line. There has been the Rapid Review into data on mental health inpatient settings by Dr Strathdee and we are waiting for the operational effectiveness of the Care Quality Commission. There has also been the outcome of the independent investigation of the NHS in England led by Lord Darzi and a multitude of local reports, and recommendations.

Big public inquiries which will generate a wide range of recommendations include the Covid Inquiry, Thirlwall Inquiry, Lampard Inquiry and the David Fuller Inquiry.

These inquiries are likely to generate a multitude of recommendations, and in terms of implementation, a key question is whether there is a process in place in an organisation that actually looks at the recommendations and works out how to deal with them. Public bodies need to ask what they are doing

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Lesson Drawing from NHS Governance Reviews

Moosa Patel . Director
Office of Modern Governance

Moosa shared a case study of a review in Liverpool in 2013 which remains relevant as many of the issues which came out in that review have subsequently been repeated in others. The review drew out some key

- “ Presence of dynamic board and committee work programmes.
- “ Ensure a clear line of sight to the board.
- “ Focus on poor performance and do not just accept it as the norm.
- “ Attend to the culture of the organisation
- “ Board triangulation using multiple platforms and board oversight of culture by having deep antennas into the organisation.
- “ Regular review of board skill mix and robust board succession plans.
- “ An ongoing programme of board development that facilitates the creation of a board typified by openness, trust, and collaboration.
- “ Take a periodic independent look at your governance.
- “ Governance needs to remain dynamic. Look outwards for solutions and new thinking.

Inquiries and their Recommendations

Eleanor Grey, KC
39 Essex Chambers

Eleanor discussed how recommendations are designed and framed when they are put in place.

Thirlwall Review

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