

COVID-19 Public Inquiry Document Preservation

The Prime Minister has announced that the Government will launch an independent Public Inquiry into the Government and public sector response to the COVID-19 pandemic.

Public Inquiries take place when there is public concern about an event. They can ask for a broad range of documents and records, and on occasion witness testimony from senior managerial and clinical staff. The Trust wants to provide our fullest support and transparency to any requests for information. So we are, therefore, asking all colleagues to save full records, whether they are working directly on COVID-19, recovery, or as part of our business as usual activities.

1. Our Internal SWB inquiry team

We have put in place an internal inquiry team to support staff and teams across our organisation as part of the management of this Public Inquiry process. The team will be on hand to provide information, advice and guidance in terms of the storage and preservation of data, records and documents, and what is needed to be considered and actioned if our Trust and our services are called upon to give evidence and records.

2. What does this mean for me?

The inquiry will need to have records from the start of COVID-19 to present to demonstrate how we responded to the pandemic, how we maintained as normal activities as we could and what compensatory actions we undertook. We have initially stated information from January 2020 although this date may change. ***If in doubt, err on the side of caution and preserve anything that may relate to the potential public Inquiry.*** All teams should suspend any routine document destruction that is in place until they receive a further update, or have confirmed with our internal inquiry team that the information is no longer required.

3. Why is document preservation important?

We will work with any public inquiry openly and transparently. We want to learn lessons where we can, and we want to show the amazing work that has been done by all our staff. In due course, once the terms of reference of the public Inquiry have been confirmed, NHS England and NHS Improvement may ask us to disclose all or some of our relevant documents that fall within the terms as set out by the Inquiry. Any significant loss of documentation will cause delay, impede supportive preparation of any witnesses, increase costs and could harm the reputation of the NHS.

4. What if I have already deleted some records?

If you have any worries or questions, just email our internal inquiry team at Swbh.data.controller@nhs.net Don't worry the team is here to guide you and we will do everything they can to support staff through the Inquiry both before and while it is happening.

We completely understand that the organisation was working in new ways, in new teams and at pace. It is inevitable that some records will be missed, improperly logged, or simply not created in the first place. That is expected and we can help advise on what to do. It remains important that we continue to save relevant records to the best of our ability.

5. What sort of documents and records should I retain?

A 'document' is anything which records information. This includes records of decisions, the process by which decisions were reached, and the evidence and data used to support them.

It does not matter what format the information is held on, or the type of device or system. It could be saved on computers, or on portable devices or mobile phones.

The different type of records is very broad, but can include:

- Reports, PowerPoint presentations, records, briefings, minutes, registers, notes and correspondence by email or otherwise, Teams 'chats', action logs
- Models and SitReps and related data histories
- Material relevant to key policy decisions or submissions
- Materials relevant to policy or legislative development
- Training materials
- Materials relating to contracts, procurements, other commercial arrangements, data management, recruitments, secondments and appointments (paid or not) or requests and arrangements for support from other public sector agencies
- Any other documents relating to the organisation's response or communications with patients, the system, industry or other stakeholders
- Personal Diaries/calendars

6. What if I have used my personal phone or email account?

It is not our policy to use WhatsApp or other instant messaging services for recording records or critical information. However, we do understand that people may have used instant messaging services in order to facilitate flexible working at pace – both on a work and/or personal device(s).

If that was the case, please ensure that all work records, information and data is migrated from your personal assets to an identified folder.

If a personal mobile device has been utilised for communicating information relevant to the pandemic response, it is possible that device may be subject to an order for disclosure in the

Inquiry and so should be preserved in accordance with this notice. If you would like to speak to someone in the team about this, just get in touch.

7. Why do we have to do all this?

We need to describe how and why key decisions were taken. Access to relevant documents will be essential to enable those who are required to give evidence to articulate what happened during a period when many issues were being addressed at great pace.

In due course it will be necessary to search for and identify all relevant records, so it is essential that all records are appropriately saved and will be available for access including after any staff holding these have left the organisation.

If there are people due to leave from your team please make sure you know how to keep in touch with them and ensure all their records saved and filed before they leave.

8. When will the inquiry start?

The inquiry is due to start later this year but there will be preparatory work to do before then and as guidance and information comes in we will keep you updated. We will be as transparent and open as we can so please do all you can to keep records safe. We will provide as much support as people need during the inquiry and will communicate with individuals and teams as required.

9. Contact Us

If you have any questions or concerns please email Swbh.data.controller@nhs.net