

MATERNITY AND NEWBORN SAFETY INVESTIGATIONS (MNSI) POSITION STATEMENT FOR REGULATORY BODIES

The purpose of this document is to set out MNSI's position in relation to requests from regulatory bodies for members of MNSI staff to attend fitness to practice hearings to give evidence or produce a witness statement.

The Maternity and Newborn Safety Investigation (MNSI) programme has been hosted by the Care Quality Commission (CQC) since 1 October 2023.

The Maternity and Newborn Safety Investigations (MNSI) programme is part of a national strategy to improve maternity safety across the NHS in England.

All NHS trusts are required to tell us about certain patient safety incidents that happen in maternity care. This is so that we can carry out an independent investigation and where relevant, make safety recommendations to improve services at local level and across the whole maternity healthcare system in England.

Throughout investigations we work closely with the families, NHS trusts and staff involved. We do not place blame on individuals or investigate individual members of NHS staff.

MNSI investigations do not focus on individuals but rather on systems and processes and learning for the purpose of improvement. To enable MNSI to conduct its function, it relies on the voluntary participation of individuals. There is significant concern that were MNSI's documentation to be readily disclosable to third parties, MNSI's ability to conduct such investigations in an open and complete manner would be significantly hindered or prevented. This view is based upon the considerable experience of MNSI colleagues in undertaking investigations and in working with healthcare professionals who are asked to give evidence to support those investigations.

Our position statement

As a programme dedicated to thorough and impartial investigations, we are committed to ensuring that our findings reflect the highest standards of clinical accuracy, objectivity, and expert insight. We acknowledge the vital role of regulatory bodies in upholding professional standards and safeguarding the integrity of regulated professions. MNSI remains committed to ensuring transparency and collaboration in all investigations conducted under its purview.

However, we wish to formally outline our position regarding the representation of MNSI and the involvement of maternity investigators as witnesses in fitness to practice (FTP) hearings/reviews:

- **Collective accountability for the final report**

MNSI investigations are collectively written by multiple contributors including panels of experienced clinicians and specialist subject matter advisors with expertise in areas relevant to each particular investigation. As such they are not purely the work of the lead investigator. The

lead investigator will be unable to provide a clinical opinion of the conclusions within the investigation report as this is not the role they are employed to undertake, and investigation reports reflect the opinion of a wide panel of subject matter advisors.

The investigation process is detailed within the report. Recommendations and safety prompts are made to address the learning identified. Investigation reports are shared with the family and the provider organisation(s).

- **Staff/lead investigators as witnesses**

Given the nature of MNSI investigations, Regulatory bodies and MNSI have agreed that, in most cases, it will not be appropriate for MNSI staff to give evidence at fitness to practice hearings. In certain circumstances, it may be appropriate for MNSI staff to give evidence at a fitness to practice hearing, for example where MNSI referred the individual to their regulatory body.

It is our position that regulatory bodies accept our final report as the definitive representation of MNSI's position and findings. Inviting lead investigators or its representative to give witness statements may inadvertently create undue anxiety or stress, which could impact their well-being and professional performance due to the sensitivity of their work.

- **Transparency and accountability**

MNSI is fully committed to transparency and accountability. While we prefer not to involve individual staff members as witnesses, we are prepared to provide clarifications or address any follow-up questions that may be required.

Regulatory bodies and MNSI have agreed that any requests for information from them will not be sent directly to MNSI staff and will instead be sent to the following central inbox:

SAR@mnsi.org.uk

- **Alignment with the regulatory bodies' authority**

We fully respect the regulatory authority and mandate of all regulatory bodies in ensuring professional standards and public trust. Our position is made in good faith to support an efficient and effective resolution to the investigation while safeguarding the wellbeing of our staff. We believe this approach aligns with the regulatory bodies commitment to fairness and proportionality in its regulatory processes.

We trust regulatory bodies will carefully consider this position and recognise the importance of maintaining a unified, perspective in the investigation process.

MNSI remains happy to help and support any further discussion or clarification.