

**REPORT TO THE SCRUTINY COMMITTEE
9TH APRIL 2014**

**DISPOSAL OF FOETAL REMAINS
UPDATE**

The Scrutiny Committee is aware of the backlog in the disposal of foetal remains following terminations and miscarriages that the Trust identified in response to a Freedom of Information Act request from a journalist. This paper provides a briefing for Scrutiny on the Trust's response.

- The remains in the backlog comprise:
 - 82 of the remains date from 2012 – 2013 but 4 date from 2011 – 2010;
 - 57 are following miscarriages or ectopic pregnancies, 29 early terminations or pregnancy;
 - 73 are up to and including 12 weeks gestation and 13 are between 13 – 21 weeks.
- The backlog has arisen because of a failure to complete the form that authorises disposal at the crematorium in some cases and a failure to escalate the impact of this within the Trust
- We have revised our standard operating process for disposal of remains to ensure that this does not happen in future. Our new arrangements were reviewed by the Human Tissue Authority on 25th March. We will also ensure we follow recent guidance to the NHS from Sir Bruce Keogh, Medical Director of NHS England, on the use of cremation rather than incineration for the disposal of foetal remains.
- We took advice from our clinical teams and external organisations including the Miscarriage Association and other experts in this area about how best to balance the issues involved in deciding whether to contact the women involved. Our approach aimed to ensure we did not cause further unwanted distress to patients who had already been through a very difficult process. As a result of this process we identified 5 women where we believed we needed to make contact directly.
- We established an Information Line (operated on our behalf by WMAS / NHS 111) for anyone who wanted to contact us for further information. We provided support from our own team and from the Walsall Pregnancy Help Team if

needed. At the time of writing 60 calls have been received by the information line – 2 of these have been women on the list of 86.

- We have also commissioned an external management review of how the backlog developed, what it tells us about the way the organisation works and what lessons we need to learn. The report and our response will be presented to the May Board meeting.
- The Human Tissue Authority advised us not to dispose of the remains until after their visit on 25th March. We plan to wait 2 weeks to ensure there are no further calls to the Information Line and then proceed to dispose of the remains through Streetly Crematorium.
- In terms of our regulators we have reported the incident to the Human Tissue Authority and the Care Quality Commission. The Trust Development Authority, Clinical Commissioning Group and NHS England are also briefed. We briefed our local stakeholders including the Chair of Scrutiny.
- The issue was covered by the local newspapers, television and radio (BBC TV, ITC, Radio WM, Free Radio, Express & Star and Walsall Advertiser). Nationally it was covered by the Mail, Sun and Telegraph.

Richard Kirby
Chief Executive

31st March 2014