

Investigative Report Group Meeting No. 1
Friday 15 September 2017, 10:00-12:00
Room W314A, Hamish Wood Building, Glasgow Caledonian University

Confirmed minutes of the above meeting of the Investigative Report Group.

Present: Prof Alison Britton (Chair), Gerard Sinclair, Ealasaid Munro, Irene Brown (Clerk)

1. Welcome:

AB welcomed all to the first meeting of this Group, which has been formed to carry out "A Review into the process of establishing, managing and supporting Independent Inquiries and Reviews in Scotland (with specific reference to The Scottish Independent Review of transvaginal mesh implants)". AB thanked members for giving their time and for travelling to GCU for the purposes of this meeting.

2. Apologies: none

3. Introductions:

Members of the Group – Alison Britton, Chair of Healthcare & Medical Law, GCU; Gerard Sinclair, Chief Executive & Principal Solicitor of the Scottish Criminal Cases Review Committee; Ealasaid Munro, Research Associate, University of Glasgow and Irene Brown, Administrator at GCU - introduced themselves giving a brief outline of their respective careers and relevant experience to date.

4. Chair's Update: item covered in No. 5

5. Scoping Document:

Compiled by AB with input on Methodology from EM and from GS on process and legal responsibilities. AB stated that it would have been helpful if a standard scoping template could have been made available from the Scottish Government (Scot Govt). The content of the document was discussed. AB highlighted that this review was strictly about process rather than evaluating the medical evidence. The Group agreed that there seemed to be no clear guidance documentation available from the Scot Govt on how the actual review process should be conducted.

AB informed the Group that she has been asked to meet with Catherine Calderwood, Scottish Government Chief Medical Officer, on 11 October. EM happy to accompany AB to this meeting.

6. Background & Contexts:

In 2014 former Health Secretary, Alex Neil, called for an Independent Review after hearing strong evidence, some claiming life-changing injuries, from the Scottish Parliament's Petitions Committee concerning the use of mesh tape to treat bladder and prolapse conditions. The Panel was Chaired by Dr Lesley Wilkie, retired Director of Public Health, NHS Grampian. An Interim Report was produced in October 2015 with the Final Report published in March 2017. Dr Wilkie resigned from her post as Chair in October 2016 and was replaced by Dr Tracey Gillies, Medical Director NHS Forth Valley in October 2016. Two other members of the Panel representing the Scottish Mesh Survivors Group also resigned in March 2017 claiming that vital evidence had been ignored in the review.

AB has now been asked to Chair an Independent Review by the present Scottish Health Secretary, Shona Robison. The remit of the Group is to consider the evidence on how to improve the investigative review process. Specific reference is made, but not limited to, the Scottish Independent Review of the Use, Safety and Efficacy of Transvaginal Mesh Implants in the Treatment of Stress Urinary Incontinence and Pelvic Organ Prolapse in Women.

The Interim report, published in October 2015 and final report of this Review, published in March 2017 were discussed in depth chapter by chapter. EM has also been researching press items surrounding the publication of these reports. An article by Marion Scott published on 12 March 2017 in the Sunday Post states that Lothian MSP Neil Findlay had asked Health Secretary Shona Robison to "answer concerns that the review has been compromised". The Group felt that it would be helpful to seek a meeting with Mr Findlay.

It is not clear from either of the reports who summarised the medical evidence. EM and Yousaf Kanan (Research Assistant) to investigate further.

Lesley Wilkie, Chair of the Independent Review, during the Interim Report stated that this was a collaborative report. However, the authors are not listed. AB to obtain a list of authors of interim and final reports.

The Group raised concerns that the Declaration of Interest form only requests information from Panel members going back one year.

It was agreed that members of the group should carry out a literature search for other similar cases.

Both reports refer to the following groups; Working Group, Expert Group, Review Group. YK to investigate the remit of these Groups.

ACTION 1: EM to seek meeting with Neil Findlay.

ACTION 2: EM and YK to investigate who summarised the medical evidence.

ACTION 3: AB to request list of authors from Dr S. Davies.

ACTION 4: AB and GS to carry out literature search on legal chapter.

ACTION 5: YK to investigate the remit for Working Group, Expert Group, Review Group.

7. IT Matters:

EM reported that YK was annotating documents to identify the key people and the layers of governance. EM has identified NVIVO as the preferred qualitative analysis software for the Review. YK can be trained in the use of this software. YK should request NVIVO from Scot Govt.

AB and IB now have exclusive access to a shared network drive where documents relating to this Review will be stored in compliance with the GCU Information Classification and Handling Policy.

8. Part 1 – item covered in No. 6

AB & EM to meet with YK on 11 October 2017 in Edinburgh.

9. Part 2 – Gerard Sinclair

- Next Steps:
 - AB should request list of documents from Sara Davies
 - Questions should be formulated
 - Interview schedule setup – complainers in the first instance, then defenders and finally members of the Review. Contact details to be obtained from Scot Govt.

10. Master Document Updates:

Master document to be kept by IB. AB will populate with input from the Group. Bibliography and Acknowledgements sections will be included.

11. Action Points:

IB to compile a list of the Action Points arising from Minutes.

12. Dates of Future Meetings:

It was agreed the Group would meet on 2nd Friday of each month from 10:00-12:00 in room W314A, Hamish Wood Building, GCU until June 2018:

13 October 2017

10 November 2017

1 December 2017

12 January 2018

9 February 2018

9 March 2018

13 April 2018

11 May 2018

8 June 2018

13. AOB:

Funding –

AB to send a letter to Sara Davies, Scot Govt, regarding the financial budget for the Review. It was agreed that timeline for a response should be set.

ACTION 6: AB to write to Sara Davies, Scot Govt, re budget.

Investigative Report Group Meeting No. 2
Friday 13 October 2017, 10:00-12:00
Room W314A, Hamish Wood Building, Glasgow Caledonian University

Confirmed minutes of the above meeting of the Investigative Report Group.

Present: Prof Alison Britton (Chair), Gerard Sinclair, Ealasaid Munro, Irene Brown (Clerk)

1. Welcome:

AB welcomed all to the second meeting of this Group. AB thanked members for their work carried out since Meeting No. 1 and for travelling to GCU for the purposes of this meeting.

2. Apologies: none

3. Minutes of Meeting No. 1 held on 15 September 2017: accepted as accurate.

4. Matters arising from the minutes of Meeting No. 1:

6) Background & Context -

- it was agreed that meetings with Neil Findlay and Alex Neil should be sought to provide political context.

ACTION 1: Members of the Group to contact the above.

- Legal Chapter (Chapter 7, Final Report) – a literature search was carried by GS which revealed a number of articles pertaining to mesh implants, including current Scottish Court Actions. The Group agreed that they were not sure of the value or the purpose of including this chapter in the report. Discussion continued to question who actually decided the structure and format of each chapter contained in the IR. It was agreed that the same set of questions should be asked of each author of each chapter in the report and would include:
Who decided the breadth of the investigation?
What did they want to achieve?
Do they feel that they achieved it?

5. Chair's Update:

- **Email response from Clerk to the Public Petitions Committee** - AB stated that terms of reference and remit of the Group have now been agreed and a version is available as a Plain English statement. AB to meet with the Committee or the Convener of the Committee at a later date if invited.
- **Email response from Dr Calderwood** - AB noted that Dr Calderwood is happy to meet at a later date.
- **Update of IR minutes and agenda – Working Paper 4**
This paper had been compiled by AB having reviewed all the IR minutes and agendas published on the Scot Govt website.
- **Email response from Sara Davies** – the Group was disappointed that AB's request for the names of the author(s) of each of the chapters of the interim and final reports had not been forthcoming. It was agreed that AB will contact

Sara Davies again to obtain these and request clarification of some further issues that have arisen at this meeting by 27 October at the very latest.

ACTION 2: AB to contact Sara Davies

6. Working Papers 1-4 (VM/007, VM/008, VM/009, VM/017):

These papers have been received and will be annotated by EM.

7. Scottish Parliament Public Petitions Committee Official Report:

The report was discussed by the Group. The Group noted that their work had been discussed on a number of occasions during this meeting. The Official Report raised some helpful themes and that the Group were either currently considering or now would consider.

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11128&mode=pdf>

8. IT Matters:

After further investigation it was concluded that the NVIVO software was in fact not secure enough to share between EM and AB's institutions.

9. Part 1 – Ealasaid Munro

AB and EM met with YK the previous week. YK had spent some time considering how the medical evidence was gathered and how it had been interpreted. The Group recognised this will provide useful context in relation to other processes which had been adopted. YK stated that he had met with the Incident Reporting & Investigation Centre who confirmed that there was no standard definition of safety. It was agreed that safety and efficacy are a matter of judgement and it may have been helpful to have definitions of these in the Final Report. YK is compiling a chronological document detailing documents held by the IR Group to date. YK to be tasked to look at other reviews. How are independent reviews carried out in Westminster? Are the standard processes adopted?

ACTION 3: YK to investigate other reviews.

EM has drafted a Plain English questionnaire. Questions for future meetings with stakeholders are currently being compiled.

ACTION 4: AB and EM

Stakeholders to be interviewed – a chronological approach will be adopted as follows:

Petitioners
Other patient representatives
Dr Agur
Alex Neil
Neil Findlay
Organisations
Representatives of Scot Govt
Chairs – contact details still required

ACTION 5: IB to circulate Plain English questionnaire and terms of reference and remit to the Group.

10. Part 2 – Gerard Sinclair

GS and AB spoke to this item although the other members of the Group had also reviewed the IR Minutes and Agendas. Discussion ensued and the following themes, focussed on Part 1 of this Group's report, emerged:

Establishing the Group	<ul style="list-style-type: none"> a) Trans Mesh Working Group(TMWG)(set up by Alex Neil?), Expert Group, UK Group – who set up the other two groups, and what was the relationship between them? b) Who proposed the members of these groups? c) Why was there a need to review the composition of the TMWG? d) What were the terms of reference for the groups and who drafted them? e) Were they agreed?
The Role of Scot Govt	<ul style="list-style-type: none"> f) Did the Chair choose the members or were they presented to him/her? g) How do these Groups ensure independence? h) Why are the Scot Govt directing operations in an independent review? i) Why was there not an independent secretariat in place rather than a Scot Govt secretariat? j) If it had to be a Scot Govt secretariat then should they not have been properly seconded?
Declaration of Interests	<ul style="list-style-type: none"> k) Declaration of interests – should be declared openly at first meeting, minuted and discussed. Where are the forms – document ref IR/02? l) When the Scot Govt suspended Health Boards from carrying out mesh implants, was this followed up?

11. Master Document Updates:

Ongoing.

12. Expenses:

IB has now received an expenses claim form from David Bishop. IB will process the Group's expenses claims.

13. Action Points:

IB will update accordingly.

14. Date of Next Meeting:

10 November 2017

Investigative Report Group Meeting No. 3
Friday 10 November 2017, 10:00-12:00
Room W314A, Hamish Wood Building, Glasgow Caledonian University

Confirmed minutes of the above meeting of the Investigative Report Group.

Present: Alison Britton (AB) (Chair), Gerard Sinclair (GS), Ealasaid Munro (EM),
Yousaf Kanan (YK) and Irene Brown (IB) (Clerk)

1. **Welcome:**
AB welcomed all to the third meeting and welcomed YK to his first meeting of the Group.
2. **Apologies:**
None
3. **Introduction to Yousaf Kanan**
YK introduced himself to the Group giving a brief synopsis of his career path to date. YK advised a minor change of his designation of this Group's Terms of Reference to accurately reflect his current role.
4. **Minutes of Meeting No. 2 held on 13 October 2017:**
Agreed as accurate with point of clarification that in item No. 10 – GS was actually commenting on Part 1 of VM Group report.
5. **Matters Arising from the Minutes of the previous meeting 13 October 2017:**
No matters arising that were not on today's agenda.
6. **Chair's Update:**
 - AB reported that she and GS will be meeting with the Convener and Deputy Convener of the Scottish Government's Public Petitions Committee on 16 November 2017 in the Scottish Parliament building. They will take the VM Group's Plain English and Terms of Reference documents to this meeting. IB will email copies to Clerk of the PPC in advance of meeting.
 - Response from Sara Davies' email of 25 October 2017 – the Group agreed that AB should request the revised Terms of Reference for the IR Group. Although Sara Davies states in her email the authors of the Final Report's Chapter 7 was 'Central Legal Office' and Chapter 8, the 'secretariat', the VM Group would like to know exactly who the individual authors were, who was the primary author of each chapter. EM has a list of clarifications which have arisen from discussion at the meetings or from her own observations. The Group will add to these and agree them for sending to Sara Davies following the Group's meeting on 1 December.
 - AB reported that she had invited Elaine Holmes and Olive McIlroy to meet with her in November, at a date and location convenient to them. Although they have both replied requesting the Groups Terms of Reference, so far the ladies have not taken up the invitation.

- AB will now write to the other stakeholders as agreed at the Group's meeting on 13 October 2017.

7. Declaration of Interest Statement and Proforma:

As all Group members were in attendance for the first time, AB invited all members to declare if he/she had any personal, professional or financial reason that could influence the remit of the Group. YK stated that he was a Civil Servant of the Scottish Government. AB stated that she had been asked to peer review a document on Brexit by the SPICE Group. All other members stated that they had none. Members are currently completing an accompanying Declaration of Interest document which they will return to IB by 1 December 2017.

8. Working Papers 1-4 (VM/007, VM/008, VM/009, VM/017)

AB stated that she and EM will write a narrative based on the contents of these working papers to form Part 1 of the VM Group report. The focus will now be on conducting interviews and discussion with the various stakeholders, December to March 2018. A focus group, including academics, patient groups and other relevant individuals will be held in January 2018, the outcomes of which will inform Part 2 of the report. It was agreed that the Group would produce a questionnaire for participants. This will be distributed via a consultation which will appear on the Scottish Government web site.

The Group discussed all four working papers for a final time.

9. Part 1 – covered in item 8

10. Part 2 – covered in item 8

11. Master Document:

This has been updated by AB and is ongoing with all the Group receiving bi monthly updates.

12. Update from YK:

YK updated the Group on his research to date with particular reference to the NHS England Mesh Oversight Group Report and its comparison to the Scottish Independent Review interim and final reports.

13. Date of Next Meeting:

1 December 2017

Investigative Report Group Meeting No. 4
Friday 1 December 2017, 10:00-12:00
Room W314A, Hamish Wood Building, Glasgow Caledonian University

Confirmed minutes of the above meeting of the Investigative Report Group.

Present: Alison Britton (AB) (Chair), Gerard Sinclair (GS), Ealasaid Munro (EM),
Yousaf Kanan (YK) and Irene Brown (IB) (Clerk)

1. **Welcome:**
AB welcomed all to the fourth meeting, especially GS and YK who were attending on, for them, a public holiday.
2. **Apologies:**
None
3. **Unconfirmed Minutes of the previous meeting (10 November 2017):**
agreed as accurate.
4. **Matters arising from the previous meeting (10 November 2017):**
all matters are included in the agenda for this meeting.
5. **Chair's Update:**
 - AB and GS met with the Convener and Deputy Convener of the Scottish Parliament Public Petitions Committee on 16 November 2017. AB stated that it was a helpful and positive meeting. It was their impression that the PPC were considering the same questions and themes as this Group. They learned that a debate will be taking place in the Scottish Parliament on Tuesday 5 December at 14:00. The Deputy Convener will be closing the debate and would like to mention the fact that he and the Convener had met with AB and GS and that a Consultation would be put on the Government Public Petitions site. This was agreed as useful.
 - AB, EM and YK are updating the working papers.
6. **Written response from Elaine Holmes and Olive McIlroy:**
The Group noted that both ladies have declined to meet the Group but submitted written evidence. AB will formally thank them for their response and will ask their permission for the Group to contact them by email to request further information or clarification on some points raised by them. It will be clarified if they are happy for this document to be made public and archived as a formal document. The Group discussed FOI issues and the difference, if any, between oral and written evidence.
ACTION 1 – AB to reply to Elaine Holmes and Olive McIlroy.

The document was then discussed and the Group extrapolated the following salient points under the headings provided by the petitioners:

Lack of Independence and Balance:

- Issues around ensuring a representative balance and weighting of the Group.
- The style of form used to obtain a Declaration of Interest.
- EM confirmed that only 11 out of 28 Declaration of Interest forms are available on the Scot Govt website. Since these only relate to one year then forms should have been completed each year so there should be three copies for each of the IR Group members.

Conflicts of Interest

Transparency:

- How was the research information sent to the Group?
- Ask which documents were lost or destroyed. What does this mean? Were they just moved somewhere else?
Dr Agur referred to these documents as 'deleted'.
- The Group noted that the Final Report was published on the last day of Parliament before the summer break.
- The Group highlighted the following general points:
- Short period of time to carry out a complex review – some respondents noting an initial time period of between 6 months to one year.

Membership

Funding:

- The process should be that the budget is clearly defined at the outset.

The Group agreed to use this written evidence to assist with discussions with other members of the Independent Review Group.

7. **Declaration of Interest Statement and Proforma – signed off by all members of the Group.**
Declarations of Interest forms from all members of the Group have been received by IB. The Group agreed to notify any relevant changes. YK confirmed that he is an employee of the Scottish Govt. YK confirmed that confidentiality relating to the business of this Group is observed by him at all times. AB requested that YK evidence this fact by email, detailing how this is observed. All other Group members confirmed that they had nothing to declare.
ACTION 2 – YK to email Group members on how confidentiality is observed.
8. **Interview Schedule:**
Schedule continuously updated by IB and interviews progressing.
9. **Questions:**
The Group was pleased to approve the list of questions which will be adapted as required for individual interviewees.

10. Next Round of Interviews:

List of politicians now compiled by the Group for further discussion then sent to GS. Interviews to commence by arrangement in early 2018. IB sent list of Government personnel to David Bishop that the Group would like to interview, hopefully in January 2018.

11. Consultation:

YK confirmed that this will be available to the public before Christmas 2017. The Group requested that a deadline for submissions should be set at 1 March 2018. The Public Petitions Committee of the Scottish Parliament has offered to announce the consultation on their website.

12. Master Document Updates:

Ongoing

13. Update from Joe (YK)

YK stated that he has asked the question about how many publicly funded reviews are carried out each year in Scotland. Awaiting reply.

14. Transcribing:

IB has identified a potential transcriber for the recorded interviews. Confidentiality and method of storing and sending files were discussed. Costings to be discussed further.

15. Date of Next Meeting: 11 January 2018

Investigative Report Group Meeting No. 5
Thursday 11 January 2018, 13:30-15:30
Room W314A, Hamish Wood Building, Glasgow Caledonian University

Confirmed minutes of the above meeting of the Investigative Report Group.

Present: Alison Britton (AB) (Chair), Gerard Sinclair (GS), Ealasaid Munro (EM),
and Irene Brown (IB) (Clerk)

Attending: Hazel Lauder(HL), Assistant Head of Information Compliance, GCU

1. Welcome:

AB welcomed all to the fifth meeting, with special welcome to visitor Hazel Lauder who was invited to the meeting in her capacity as Assistant Head of Information Compliance in GCU.

2. Apologies:

None

3. Unconfirmed Minutes of the previous meeting (1 December 2017, VM/025):

agreed as accurate.

4. Matters arising from the previous meeting (1 December 2017):

all matters are included in the agenda for this meeting.

5. Chair's Update:

- Call for Evidence rather than a Consultation will be published on the Scottish Government website. AB will contact the Clerk to the Public Petitions Committee to request that this be placed on the Committee's website as previously offered.
- Possible publicity options were discussed; Twitter, Scottish Legal News, Law Society, GMC, BMA, Patients Association, EIS etc.

Action 1 – AB to task YK with contacting the above.

6. AB explained the remit of the Group to HL and described how the Group is currently recording and storing relevant data in accordance with the Data Protection Act and the General Data Protection Regulation (GDPR) coming into effect in May 2018.

Action 2 – AB to clarify the role of Scottish Government in this regard in relation to the Group, in particular regarding data control and publication of the Group's report.

7. Interview schedule – latest version discussed and updated.

8. Meeting with Scottish Government Officers – AB, GS and IB travelling to St Andrew's House, Edinburgh on 15 January 2018 for these meetings. An appropriate set of questions will be compiled for each interview.

9. Next Round of Interviews
ACTION 3 – AB to contact Chairs and arrange meetings with politicians.
10. Round Table 1 – academics and members of The Law Society of Scotland to be invited. Dates in March/April to be considered.
ACTION 4 – AB to take this forward.
11. Master Document – being updated, in line with timeline for completion.
12. Update for Ms Robison – document circulated and agreed. Include terms of reference for this group when sending.
13. Date of next meeting – Friday 9 February 2018

Investigative Report Group Meeting No. 6
Friday 9 February 2018 – 10:00-12:00
Room W314A, Hamish Wood Building, Glasgow Caledonian University

Confirmed minutes of the above meeting of the Investigative Report Group.

Present: Alison Britton (AB) (Chair), Gerard Sinclair (GS), Ealasaid Munro (EM),
and Irene Brown (IB) (Clerk)

1. **Welcome:**
AB welcomed all to the sixth meeting.
2. **Apologies:**
Yousaf Kanan
3. **Unconfirmed Minutes of the previous meeting (11 January 2018, VM/031):**
agreed as accurate.
4. **Matters arising from the previous meeting (11 January 2018):**
all matters are included in the agenda for this meeting.
 - Item 6: Having consulted with Hazel Lauder, Assistant Head of Information Compliance, GCU, AB stated that she felt confident that the work of this Group complied with all aspects of the Data Protection Act and forthcoming GDPR which will be in place in May 2018.
5. **Chair's Update:**
 - Call for Evidence – AB reported that this is now live until 30 March 2018. AB thanked YK and colleagues at Scottish Government for expediting this.
 - AB sent a progress report to Ms Robison on 16 January 2018 (VM/032)
 - Further discussion regarding the IR Group's Declarations of interest took place. YK to be tasked to investigate further.

Action 1 – EM to task YK with the above, including asking him to ascertain the number of Reviews requested annually for the last five years.
6. Interview schedule – latest version discussed and updated.

Action 2 – IB to check current contact list against IR membership list stated in Final Report to ensure that all members have been contacted.
7. Meetings are now being sought with a number of MSPs associated with the Review and who participated in the Scottish Parliament's Public Petitions Committee meetings.
8. YC was not able to attend this meeting due to illness.

Action 3 – EM to contact YK for an update and set new tasks agreed by the Group.

9. Round Table – AB reported that this has now been arranged for Friday 6 April 2018. Invitations to attend will be sent out week beginning 12 February.
10. Master Document – being updated, in line with timeline for completion.
11. Date of next meeting – Friday 9 March 2018

Investigative Report Group Meeting No. 7
Friday 9 March 2018 – 10:00-12:00
Room W314A, Hamish Wood Building, Glasgow Caledonian University

Confirmed minutes of the above meeting of the Investigative Report Group.

Present: Alison Britton (AB) (Chair), Gerard Sinclair (GS), Yousaf Kanan (YK)
and Irene Brown (IB) (Clerk)

1. **Welcome:**
AB welcomed all to the seventh meeting.
2. **Apologies:**
Ealasaid Munro
3. **Unconfirmed Minutes of the previous meeting (9 February 2018, VM/06):**
agreed as accurate.
4. **Matters arising from the previous meeting (9 February 2018):**
YK reported that no information is held centrally regarding the number of reviews held annually. YK will contact Clerks of Ministers to request this information for the last 3-5 years.
Action 1 – YK to contact Clerks of Ministers, as above.
5. **Chair's Update:**
 - AB reported that she had met with Jackson Carlaw. The meeting was not recorded. AB had previously decided that the methodology would be that the only the interviews held with those who were part of the review would be recorded and transcribed.
AB noted that Elaine Holmes and Dr Wael Agur were constituents of Mr Jackson. The interview was based on the Call for Evidence questions.
6. **Interview schedule** – latest version discussed and updated.
 - AB stated that she and IB will be meeting with Dr Lesley Wilkie later that day.
7. **Meeting with Politicians:**
Meeting with Mr Neil Findlay cancelled due to adverse weather. Rescheduled for 22 March 2018. Meeting with Mr Alex Neil scheduled for later that same day. AB and GS attending both.
8. **Update from Yousaf Kanan:**
YK will be based at to GCU on Thursday and Friday for the next few weeks to enable him to review the interview transcripts. YK thanked GS for sending him the paper on Government Tsars. YK and GS will pull together a thematic overview of parallels and similarities of processes.

Action 2 – YK and GS will pull together a thematic overview of parallels and similarities of processes.

9. Round Table (6 April 2018):

AB reported that all invitees have accepted the invitation to attend.

10. Meetings adversely affected by weather – still trying to schedule meeting with Dr Gillies, all other meetings have been rescheduled.

11. Transcriptions:

IB reported that these are progressing well with continued assistance from GCU colleague.

12. Master Document:

Being updated, in line with timeline for completion.

13. Publication of Report:

The publication of the Report was discussed. It was agreed that AB should contact Terry O'Kelly to invite him to attend the next meeting of this Group on Friday 13 April.

14. Date of next meeting – Friday 13 April 2018

Investigative Report Group Meeting No. 8
Friday 13 April 2018 – 10:00-12:00
Room W314A, Hamish Wood Building, Glasgow Caledonian University

Confirmed minutes of the above meeting of the Investigative Report Group.

Present: Alison Britton (AB) (Chair), Gerard Sinclair (GS), Yousaf Kanan (YK)
and Irene Brown (IB) (Clerk)

1. Welcome:

AB welcomed all to the eighth meeting.

2. Apologies:

Ealasaid Munro

3. Publication of Report – phone call with Senior Medical Officer:

The SMO confirmed that the Scottish Parliament recess date is 30 June therefore Friday 29 June would be the last working day. Parliament reconvenes on 3 September 2018. The SMO explained the process for submission of Reports, i.e. the Report should be submitted to the Cabinet Secretary for consideration who will then decide whether or not the Report will be published, or if so, when it will be published. The SMO advised that the Report ideally would be submitted to the Cabinet Secretary by early June, first week in June. The Cabinet Secretary will then check diaries to ensure that there is suitable space to announce the publication of the Report with no conflicting issues. AB expressed her concern about 'if' the Cabinet Secretary will want to publish the Report. The SMO re-stated that the Cabinet Secretary has since she commissioned the Review but he felt that it was inconceivable that the Report would not be published. The SMO stated that there will be a Parliamentary Debate on the subject on Thursday 19 April. Again the SMO re-iterated that the Report should be with the Cabinet Secretary by the first week in June. AB enquired about editorial control of the Report. SMO assured AB that because this is an Independent Review the Report will not be edited by the Scottish Government in any way. SMO stated that the printing, formatting, etc can be done by the Scottish Government Printing Services. The Group felt that the timeline was very constrained.

4. Unconfirmed Minutes of the previous meeting (9 March 2018, VM/039):

agreed as accurate.

5. Matters arising from the previous meeting (9 March 2018):

YK reported that he had contacted the Private Secretary for Health who said that there was no information available on the number of reviews/enquiries held over the last five years.

Action 1 – AB to email Terry O'Kelly to request this information.

6. Chair's Update:

- AB reported she and GS had met with Neil Findlay, MSP and Alex Neil, MSP. This completes all the politician interviews.
- A meeting has been scheduled with Miss Tracey Gillies for Wednesday 18 April at 09.00.

7. **Interview schedule** – latest version discussed and updated.
8. **Update from Yousaf Kanan:**
YK reported that he had contacted the MHRA regarding their definition of ‘safety’ apart from the CE sticker award. Reply awaited.
YK continues to review the interview transcripts pulling together relevant themes.
9. **Call for Evidence** – the Group noted that the Call for Evidence closed on 31 March 2018 with no submissions or responses received.
10. **Round Table (6 April 2018):**
AB stated that this event was a very successful event with almost full attendance. There was a good cross section of participants. AB, as Chair, took a thematic approach in leading the discussions and the Group was very encouraged by the positive and informative responses received. It was agreed that these responses will feed into Part 2 recommendations of the Report.
11. **Transcriptions:**
IB reported that these are progressing well with continued assistance from a GCU colleague. Only five interview recordings remaining to be transcribed. IB stated that a couple of interviewees had provided additional information which was not part of the original interview. The Group agreed that these should be recognised as additions and kept separately in the file of the original transcript.
12. **Master Document:**
Being updated, in line with timeline for completion for end of June 2018.
13. **AOB:**
Further documents have been received from Gillian McCallum, Scottish Government Secretariat:
 - Informal note regarding discussion of elements of the evidence review and conclusions, Tuesday, 8 September 2015
 - Email from Dr Frances Elliot to June Mcadam
 - Email from Dr Frances Elliot to Christine Graham
14. **Date of next meeting** – Thursday 24 May 2018. Meeting scheduled for 8 June to be re-scheduled.

Investigative Report Group Meeting No. 9
Thursday 24 May 2018 – 10:00-12:00
Room 314A, Hamish Wood Building, Glasgow Caledonian University

Confirmed minutes of the above meeting of the Investigative Report Group

Present: Prof Alison Britton (AB) (Chair), Gerard Sinclair (GS), Ealasaid Munro (EM), Yousaf Kanan (YK) and Irene Brown (IB) (Clerk)

1. **Welcome:**
AB welcomed all to the ninth meeting.
2. **Apologies:**
None
3. **Unconfirmed minutes of previous meeting (13 April 2018):**
Agreed as correct.
4. **Matters arising from the minutes of the previous meeting:**
 - 5) Action 1 – AB to email Terry O’Kelly to request information on the number of reviews/enquiries held over the last five years.
Despite repeated enquiries from the Chair, the Scottish Government was still not in a position to provide the Group with this information.
Action 1 – AB to continue to pursue this with Terry O’Kelly.
5. **Chair’s Update:**
 - Publication of the Report – discussed later in meeting
 - Email from David Bishop:
AB received an email from David Bishop on 17 May in relation to a member’s Declaration of Interest form. It was agreed by the Group that YK and EM will once again review the status of the Independent Review Group’s Declarations of Interest forms. The Group acknowledged the difficulty of being able to rely on the availability of data when it is constantly changing.
 - Email from Neil Findlay:
The Group agreed that there is no necessity to approach any journalists on any specific issue as the Group’s own research has highlighted the need to include this in the Report.
 - Email from Yousaf Kanan:
YK had been asked to contact MHRA regarding their definition of safety. The MHRA said “There is no definition as such but we would consider a product ‘safe’ if it meets all the relevant Essential Requirements of Annex 1 of the Medical Devices Directive 93/42/EEC.”
6. **Interview Schedule:**
Spreadsheet was tabled by IB who confirmed that to date the only two interviews remained to be transcribed. IB advised that these would both be completed by 28 May 2018.
AB, on behalf of the Group, thanked IB and her GCU colleague Alison Lockhart for their time and dedication in completing this body of work.
7. **Update from Yousaf Kanan:**

Notes, compiled by YK, from the recent Round Table event were circulated within the Group. All agreed these notes were an accurate representation of the discussion and would help inform the Group's Report. These notes are not for publication, as agreed at the Round Table meeting where Chatham House rules were applied.

YK has been analysing the interview transcriptions for common themes. Themes emerging are:

- Selection process
- Declarations of Interest
- Safety and Efficacy
- Remit
- Terms of Reference
- Methodology
- Interim Report
- Change of Chairs
- Final Report
- Resignations
- Scottish Government involvement
- Support for Independent Review Group members – Scottish Government, Central Legal Office (defence agent for NHS workers)
- Admin support
- Communication issues – with the Group, with Government, between sub-groups
- Adversarial factions
- Independence
- Negative experience looking forward

8. Interview Transcription Schedule:

Discussed under item 6.

9. Master document:

The Group agreed that the document will not be completed before Parliament recesses.

10. AOB:

- GS enquired whether the Scottish Government had published any form of guidance code to offer best practice guidance to Chairs and Inquiry Teams similar to the Code of Practice published for the Government Policy Tsars by William Solesbury et al in 2013. YK did not believe so.

Action 2 – YK to check if Scottish Government guidance code exists.

- YK – YK stated that his time with this Group is due to terminate at the end of June. Given YK's analytical role at this stage, the Group agreed that it would be imperative to request that YK's term with the Group be extended until the completion of this project, hopefully by the end of June but with a few weeks latitude if possible. AB to contact Terry O'Kelly to request this.

Action 3 – AB to email Terry O'Kelly.

11. Date of next meeting:

TBA

Investigative Report Group Meeting No. 10
Thursday 19 September 2018 – 10:00
Room 314A, Hamish Wood Building, Glasgow Caledonian University

Confirmed minutes of the above meeting of the Investigative Report Group

Present: Prof Alison Britton (AB) (Chair), Gerard Sinclair (GS), Yousaf Kanan (YK) and Irene Brown (IB) (Clerk)

- 1. Welcome:**
AB welcomed all to the tenth meeting.
- 2. Apologies:**
Ealasaid Munro
- 3. Unconfirmed minutes of previous meeting (24 May 2018):**
Agreed as accurate.
- 4. Matters arising from the minutes of the previous meeting:**
None
- 5. Declaration of Interest forms**
To be emailed to IB.
- 6. Review of Report**
The remainder of the meeting involved considering and finalising the content and structure of the Investigative Report.