

Checklist for NHS organisations when commissioning external reviews

When commissioning external reviews, robust end-to-end Terms of Reference (ToR) should be agreed at the outset. Find out more here.

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Consider taking legal advice on the Terms of Reference (ToR) to ensure that all parties comply with legal obligations and avoid the many potential pitfalls that can beset external reviews. Where the ToR are defective or inadequate it can be difficult to put right once the review is underway, resulting in avoidable distress to patients and staff and extensive reputational damage. Key issues to be addressed in the ToR are:

Checklist

How will you select the External Reviewer?	+
What type of review is required?	+
Identify your key stakeholders and consider when to involve them	+
What approach will you take to patient engagement and obtaining patient consent before disclosing medical records to the External Reviewer?	+
How will you balance the public interest in openness and transparency with the duty of confidentiality owed to patients, clinicians and workers?	+
How will you secure buy in from clinicians?	+
How will information be shared, processed and stored to ensure compliance with the legal obligations set out in the GDPR and the Data Protection Act 2018?	+
Retention of documents.	+
What methodology will be used?	+
Timescales for delivery of the review.	+
What will the final report look like and how will it be shared?	+

What approach will be taken to agreement and sign off of the report?



Who will make the decisions about how to action the recommendations of the report?



If the review was commissioned as a result of whistleblowing, ensure you comply with the legal duties owed to whistleblowers.



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