

## Terms of Reference of the Scoping Inquiry

The Scoping Inquiry will:

- a. examine the facts including details of:
  - i. The non-disclosure of information to Ms. Phelan relating to a CervicalCheck standard case clinical audit carried out following her diagnosis of cervical cancer in July 2014;
  - ii. The apparent widespread practice of non-disclosure to patients relating to CervicalCheck standard case clinical audits;
  - iii. The management and level of knowledge of various parties including, but not limited to the HSE, the Department of Health or other public authorities and any relevant service provider of:
    1. the Vicky Phelan case
    2. any other cases concerning CervicalCheck
    3. issues related to the non-disclosure of the clinical audit results
  - iv. The manner and means through which the relevant facts were shared, escalated, reported and communicated;
- b. engage directly with Ms. Phelan and any other woman affected or her next of kin, who may wish to have an input;
- c. examine all aspects of CervicalCheck;
- d. examine the information provided by CervicalCheck to those receiving a service;
- e. examine why the policy of open disclosure was not implemented by CervicalCheck;
- f. examine the tendering, contracting, operation, conflict of interest arrangements, performance information and performance management, accreditation and quality assurance of contracted cytology laboratory services by CervicalCheck from initiation of the programme;
- g. examine the other screening programmes operated by the National Screening Service particularly in relation to quality assurance and clinical audit, open disclosure and governance;
- h. incorporate further elements if identified, including through engagement with stakeholders;
- i. have flexibility to issue discrete reports or findings on particular matters if it is in a position to do so and provide a progress update in the first week of June;
- j. report to the Minister for Health by the end of June 2018 setting out issues and recommendations to be addressed by means of a Commission of Investigation, which can take a modular approach, together with recommendations to address other issues by such other means as is considered appropriate.