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Ms Helen McDade MSP
Convener
Health, Care and Sport Committee
The Scottish Parliament
Edinburgh
EH99 1SP

21 November 2026

Dear Convener,

I am writing to you in relation to the significant public interest there has been in recent days surrounding the concerns raised by a whistleblower focused on Hepatopancreatobiliary (HPB) surgery at Aberdeen Royal Infirmary, as well as a report concluded in 2022 regarding the deaths of patients who underwent HPB surgery.

From the outset, let me express my sincere condolences to any family that has lost a loved one and let me recognise the courage it has taken the whistleblower, Dr Mohammed Habib, to come forward with his concerns. I recognise he has sought to do this repeatedly, both to the Scottish Government and to a number of other bodies. Any member of staff in our NHS must be able to come forward freely and without fear of detriment.

I am deeply concerned at the allegations that have been raised by Dr Habib and agree with the comments made by the First Minister during First Minister's Questions that the standard of care and the necessity of high-quality care and patient safety must be uppermost in all circumstances in the NHS. Where concerns are raised, they must be properly and robustly pursued.

I have already set out to Parliament the unprecedented steps the Government is taking to provide external scrutiny of NHS Grampian and to ensure urgent changes are made to restore confidence in services. I have commissioned an external Intervention Support Team to support NHS Grampian to deliver the recommendations of the Healthcare Improvement Scotland (HIS) Diagnostic Review. I expect progress to be demonstrated by the end of the year and have been clear the option of escalating NHS Grampian to stage 5 remains on the table.

In relation to how the four pieces of correspondence received by the Government from Dr Habib in 2023, 2024, 2025 and 2026 were processed, you will be aware the First Minister has already asked the Permanent Secretary to conduct an internal review. This will identify if any changes to the current process for managing correspondence should be made.

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However, given the grave concerns raised by Dr Habib regarding how a 2022 report into patient deaths was handled, I believe it is vital we take urgent steps to assure ourselves of the role the Scottish Government has played in interrogating this report and responding. The First Minister and I are determined that the Government must act transparently and decisively on such matters.

I am therefore writing to inform the Committee, following discussion with the First Minister, that we will establish an independent review to examine the actions taken in response to concerns about HPB surgery in NHS Grampian, with a particular focus on the concerns regarding how the 2022 report into potential patient deaths was handled.

The review will establish the facts, including who knew what, when they knew it, what they did and why. This will include assessment of NHS Grampian's and the Scottish Government's handling, including the role of Ministers and the adequacy of the information and advice available to them.

Missed opportunities, unreasonable delay, and gaps in accountability or weaknesses in governance will be identified, as well as good practice and where processes and procedures worked well.

The review will be led by a suitably experienced and authoritative figure entirely independent of the Scottish Government, NHS Scotland and the events under examination. The final terms of reference will be determined by them to assure the independence of the process. I confirm the reviewer will have access to any of the material they require and NHS Grampian and the Scottish Government will be required to preserve and disclose potentially relevant records, subject to lawful restrictions notice. Last night, the Permanent Secretary issued a letter instructing officials and NHS Boards to preserve potentially relevant records to ensure records are protected and available to the review.

Arrangements will also be made to ensure that any evidence indicating risk to patient safety, potential criminality, serious professional misconduct or a need for urgent statutory action is referred promptly to the appropriate body, without waiting for the final report. There will be a clear presumption that the review's findings and final report will be published.

I intend to provide further details in a Statement to Parliament on this on Tuesday - subject to the agreement of the Parliamentary Bureau - as I recognise the significant Parliamentary interest in ensuring the safe and sustainable delivery of services in NHS Grampian and to ensuring the concerns raised by this whistleblower are fully addressed.

Finally, it is important to reiterate the comments I made last week, that the HIS Diagnostic Review and inspection reports published on 12th November recognise the safe, professional and high-quality care being provided on the ground for patients currently across NHS Grampian. Services are safe and patients should continue to use them. It is incumbent on all of us to ensure hard-working staff delivering excellent services feel supported and do not carry the blame for the failures of leadership and governance.

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I also remind colleagues that NHS Grampian have established a helpline for any patients who may have questions or require advice or support on 08085 202030.

Yours sincerely,



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