CONVERSATION WITH LEN TYLER, SECRETARY, ROYAL COLLEGE OF PAEDIATRICS AND CHILD HEALTH
MONDAY SEPTEMBER 13 2004

Hello.

Hello, is that Trevor?

It is, yes.

Hi, Len Tyler phoning you back.

Okay, hang on a second to get this in front of the recorder. How are you?

Okay, what can I do for you?

Basically Len, I was trying to clear up some of the stuff we were talking about on Thursday. John Jenkins I believe was speaking to you and John said that he was only aware of one visit.

Did he.

Yes.

No, two.

He was only aware of one visit to Erne Hospital.

In 2000 or 2002.

Well he says that he only learnt of the visit to the hospital in February this year.

Right, possibly yes. John was officer for Ireland.

He was yes.

So he would have been, he should have been fairly well informed of what was going on, but I'm as sure as I can be that what I told you is right, that there were two approaches, one in 2000 and one in 2002.

Right. And there was definitely another visit in 2002?

Well like I say I don't actually have copies of the various reports. It could have been done over the telephone. No, I don't think so. Again I'm as sure as I can be, but the people that could tell you would be the Trust.

Yes. But by coming to you we want to try and get you know .....

A short cut.

To get it absolutely clear about the Royal College part in it.

You drew our attention quite rightly to an anomaly. You thought that there was one visit and it had taken us three years to produce a report which didn't seem right. Then it was relatively easy to check that and find that there had actually been two quite separate, two requests for assistance, one in 2000 and one in 2002, and I'm as certain as I reasonably can be without actual copies of reports in front of me. John might not have know I suppose about the first one, it's possible.

Well John said he was told in autumn of 2000 about the visit.

Right.

So as you say in his position, in his capacity, how did you describe him ....

He was officer for Ireland.

And in that position he would have been told and explained and would have been involved?

No, not necessarily because the thing we stressed was that these visits, the contents of any reports, is confidential to the Trust. I would have expected that he would be told but it could be that they didn't, and again without, I don't actually have the files and things on each of the visits here, and I don't actually have the report.

The thing is we're only interested, as I said to you before we left on Thursday, we're only interested in one issue, and that was the issue which you went back and checked in the first instance and that was around a consultant called O'Donohoe, who is now under investigation by the GMC, and when you went back and checked that cross referenced O'Donohoe, Enniskillen, Erne Hospital, Sperrin Lakeland Trust, and came back and you hadn't spoken to John, you said that yes that was right. Remember you said something like "Yea, you're right. Your dates are right. It was the autumn of 2000" and we did go in. Now you may have gone in on a completely separate issue of course in 2002, I'm not .....

You must understand when I say "we" I mean we would have recommended somebody.

11:48:30

Yes, yes, but you know what I mean. But when you said that a visit did occur in the autumn of 2000, and you said that John had concurred with that, maybe the visit in 2002 was a completely separate issue.

As I say we can't actually say anything about either of the visits unless the Trust wants to say something. If the Trust wants to tell you what was in either of the reports that's absolutely fine because it's their report but it would have been done on the basis that it was confidential to them so you would need to get whatever it was each time and look back at my notes of what John said to me. We did a report, we provided names to the Trust.

That's what John said to you?

Yes.

And when was that?

Oh, sometime, well that would have been back ~~~~.but John knows that a report was done. You're saying that .....

When did John say that. When did John .....

Well I haven't actually got a date.

When do you think that was?

I don't know. Sorry what's the significance of that anyway?

No, there's none, but John said there was only one. 11:50:18

That's what my notes say. John said we did a report so reading between the lines I guess he may have been saying that he only knew about one but at that stage I think I too thought there was only one report so it wouldn't have struck me as particularly odd. I mean, if you can tell me what it is you need to know and why I'm sure I can do some research but I'm not quite sure what, I mean I think we can establish that there were definitely two requests for information and I don't know that there is any doubt about that, but if John only knows about one then he only knows about one, but it wouldn't seem to me terribly significant one way or the other.

Well you know, it could well be, and I'm not saying that it is, and I don't know Len whether it is or not, I'm simply wanting to clarify, John has said that there was only one, and you said to me before Thursday that there was only one, do you know what I mean and now it seems to be getting confused that there are two and John, who you've just said there said he knows that there was a request and you supplied, and what does John say there .....

My notes against, there is ~~confidential written on the report, so I~~ against your original request to at some stage had gone back and I had annotated to say yes, John confirmed that we did a report, ie we provided names to the Trust, so I don't think John did it on purpose because he didn't know that we did a report and as I say I don't actually have a date when he said that but clearly it was some time

11:52:09

after 15 June which is when we had our first conversation but it could have been some time after that when I annotated the .....but I'm not quite sure .....

We are just trying to make sure in terms of accuracy when the concern was. If we had put the programme out before last Thursday we would have used your information and your information was that there was only report. In the absence of the Trust confirming anything we only had the Royal College of Paediatrics in your form to go on and given that you had confirmed that a report had been done, there was a visit, that John had set up the people to take part, the names of the ECAT, that we would then could have been caught out and we all could have been caught out and the Royal College would have had to go back and clarify, we would have had to clarify and I'm simply trying to ensure that we are absolutely right, and I'm still a little concerned that the second visit had absolutely nothing to do with the original issue.

Why not ask the Trust then.

They will not confirm anything you see and that's their prerogative. They will not confirm anything and as I say the issue is not with the Trust, it's with you now because you've said one thing and it's now being changed to a second position.

Yes, but that's not quite the way I would see it, but sure if that's what ..... I mean I've got a notion of what you said that there was a visit in autumn 2000, and that it concerned O'Donohoe and Asbhar/you gave me, and you wanted to know whether that was right and I confirmed that that was right. At that stage I had no idea actually that there had been a second visit, and there was only the first one as far as I could see, so I don't think you could say that I gave you a misleading answer, or certainly not a confusing or misleading answer.

No, but you were able to confirm those details without speaking to John. You know what I'm saying.

I do indeed but what I can't remember is what I asked John. In other words whether I said "Did he know about the visit to Sperrin Lakeland Trust" and he might have said "Yes" so I mean I sort of understand where you're coming from but the way in which you're asking it sort of makes me slightly more cautious, perhaps even than I should be.

No, no, no.

I'm not quite sure why any of these is particularly significant. I mean .....

In terms of what. In terms of the .....

In terms of the case.

Well my concern would be what was in the report and what the Trust did with it then, you know. That's not an issue for you. We are ensuring that we get our facts right in terms of a report was conducted, who it was conducted by and all of that and what action did the Trust actually take.

Sure.

I mean what is the point of you guys putting these people in and getting involved.

Only to give them advice.

And the advice not to be adhered to.

No, it's then for them.

I understand, but I mean ……..

What I mean is it's guidance, okay, and it would then be for the Trust, it's entirely up to them what they decide to do with that report, its typical of any consultant, you know at the end you can say "Yes, that's very useful advice, we're going to do that, or "Um, well what's your view, or we'll do something else entirely" so that they should not take our advice is not in itself necessarily ……., necessarily culpable, if you see what I mean.

I agree with you in that. I mean that's really up to them and it is not up to you whether the advice is acted on or not but going back to the conversation you had with John in June whenever he came back to me, John simply says that the request had come in he had ……getting together the experts to go in.

Okay, well again if that's what he said.

That's corroborated by what you said. What is that on your notes there.

I'm just looking to see whether he actually said that he did, he might have been, it doesn't actually say in the notes. In the normal course of things the request might actually come to me and I would pass it on to Sheila who you met on Thursday, or her predecessor who was Pat Hamilton and they would then propose names to the Trust, and I'm just trying to think, I think we would actually contact the people if I'm right and ensure that the thing was set up and then they would go off and visit and thereafter it would be between them and the Trust. At some stage I would have thought that we would have consulted John either formally or informally about it but again without the file in front of me I can't say definitely that he was consulted or that he wasn't.

But John obviously was whenever ……..

Not knowing exactly why you needed the information I'm not sure whether I could say "Well we'll do the research and find out whether he was or whether he wasn't", but at the moment it doesn't actually seem terribly important point.

I think the thing is for us to make sure. John Jenkins is a very well known consultant paediatrician here and obviously it's important for accuracy for us about what exactly his role was of putting it together and obviously your memory, given that the first person you turned to once I came to you back in June, the first person you turned to was John.

Only because you know he was officer for Ireland and would therefore presumably have been able to remember it, but again I'm not even sure if he was necessarily the first person I turned to. He was simply the first person I managed to get hold of which may not be all the same thing. Look, as I said before, I really don't want to be unhelpful.

Could I simply ask you then to clarify exactly the issue surrounding the two visits and I understand your position about confidentiality, but if the second visit was in relation to the same two names as the first visit was.

Honestly, you will really have to ask the Trust. The whole point of the visit is that they are confidential. I'm not suggesting that it would, I mean I can't see that it would make a great deal of difference if I told you or if I didn't, but I think that I can only say to you that it's a matter for the Trust and you'll just have to ask them. Have you tried them. I mean they may be, have you actually asked them.

Well we want to make sure that we're going to have enough information that is correct, and our concern is that .....

But why not just ask them. I mean I can't see any reason why they wouldn't be willing to .....

Well it's going to have very great relevance for the Trust.

Well possibly.

If you were seeking disclosure of a document and the document hadn't been disclosed then, and the Trust knows that it didn't disclose it, it won't want to tell us anything to do with the document.

Right, but that means really I can't either. I mean do you see my point.

I understand that but that's the point that you are simply making.

But that isn't my document. It really isn't my information to disclose.

No I understand that. I mean the important thing for us is that we give the Royal College of Paediatrics the opportunity to clarify their position and ensure that in terms of accuracy exactly how it was involved in this and what was it's role. That's the important thing for us to give you the opportunity to ensure what you said is accurate, and all I'm saying is that up until Thursday we had one perception and that position seems to have changed, not only in relation to the document itself, but what you do with these documents.

Right, well I'm not sure about that. The problem is that you sort of come to us saying this is the position and I on the whole tend to trust you if you sort of say to us "Well this is what happened. These are the people who were sent in and we know this", if I didn't have any reason to disbelieve you I wouldn't necessarily either check that or correct you. Say for example early on you said to me "Well I told you it was Donohoe" but according to my notes you told me it was Donohoe and which would mean I merely said "Yep, if you say so". I understand what you're saying that you want to go to the Trust with as much information as you can but .....

We want to go to there and we want to go to broadcast a programme that is as accurate as possible. Now the Trust may find itself in a position where it's unable to clarify any of this and which means it falls back on what you've said both on the record in terms of Sheila and our conversations, and as I say the recordings of the conversations I had with you personally have changed in terms of what the transcript of those said and what you now say.

No, I don't think so. You asked me originally about a visit in autumn 2000 and you wanted to know when we went in, when it was completed and what the remit of the report was, okay. That was what I checked and I confirmed to you that there had been such a visit. It was only when you said to me "So why did it take two years to complete the report" that, and as you would have gathered on Thursday, it just seemed extremely odd, and I went back and checked and there had in fact been two separate requests and that was the reason for the disparity between those two .....

Well when was the first one completed then?

Well we don't know. All I have is a note, no wait a minute, I thought we did track that, it was late 2000, wasn't it.

Yes, it was completed in December 2000.

I don't think we actually keep a record of that but if that's what I said on Thursday I know that I had actually gone back and checked that date. It was the one in 2000 that I wasn't absolutely sure.

Or 2002.

Sorry it was the one in 2002, that's right, that I wasn't absolutely sure about.

You did say December 2000.

okay, if I said December 2000 then I would have actually got that from somewhere and that was from .....

From David .....

No, I don't, oh from David Leonard, yes.

But you think, just to make absolutely sure, that was the completion. Was it completed in December 2000?

Again I didn't actually make a note of that at the time. I mean if this is really important I don't mind going back. Just hang on for thirty seconds and I'll go back and double check that.

Okay no problem. Thank you Len.

Sorry, David's not there. No-one seems quite to know where he is. However, if I said December on Thursday I'm sure that I'd only just checked it with him.

Yes, and that would have been the actual finish of it.

I think that would have been the date on the report but what I need to get a feel for is precisely how important this is.

It's in the overall context Len. I'm not saying that it's going to be the headline of any report that we do.

No, but all I'm saying is if it is critical that you need to know whether that was the date on the report or the date the report was delivered or the date the report was completed or whatever, my feelings from David was that the report was finished and done in December, whatever we said, December 2000, but if it's absolutely critical to the week or whatever then I will try and find out.

No, no honestly. December 2000 is fine. I think the most confusing thing is the second visit. We have obviously got sources in this story.

So okay.

The sources have told us that they know nothing of another visit.

Right.

And then when we go back to John and speak to John and find out that John knew nothing of the second visit and that was just the worrying thing. I'm not saying that there wasn't. Of course if you guys say there was then there must have been but all I'm saying is a lot of the protagonists, a lot of the guys, didn't know.

Right. So who apart from John is saying that they didn't know?

People who had intimate knowledge of the first visit at the hospital.

Right.

Now that's not to say that they were not involved and had no reason to be involved in the second visit. Do you know what I mean, that's not to say that at all. It's just that no-one seems to be aware at all of it.

Right, okay. I don't know what I can do except to repeat that there were two requests from 2001 and 2002 but .....

Could you just check with David the date on the second one. If the first one was completed in December 2000. you've obviously not had a big problem letting us know that the first one was completed in December. Can you just tell us exactly when the second one was finished.

I think if he'd actually had a date for the second one I think I would have told you on Thursday. The problem as I say is that our records of the finished product seem pretty incomplete.

No, no, no. But if the request had come through you, you surely would obviously know when the request came and who was involved with it. Was it the same paediatricians that were involved in going back in, Moira Stewart from the Royal and as far as we are aware it was somebody else from London.

Right. We never actually said who was involved in either visit though you've obviously talked to Moira. No I think that's another one where we would need to say "talk to the Trust". I mean you know if you .....

I know, but there's another .....

I can only say if they don't want to tell you more I don't quite understand why but I respect it if you see what I mean. Presumably phone their press office. I mean I can't see any reason why they shouldn't want to give you this information.

Have you made the Trust aware.

Of .....

That we've been speaking to you?

Is there any reason why I shouldn't?

No, no, not at all. I mean .....

Clearly we all talk to each other and I would have thought that, I mean, sorry, they haven't actually said to me you know "We would be quite happy to supply the information" but I didn't get the impression that they were in any sense defensive about it.

Yes, okay. At what level in the Trust would deal with bureaucracy. Would it be the Medical Director there?

In terms of requesting a visit?

Yes, generally speaking, would it come from the Medical Director or from the .....

From the Medical Director or it might come from the Chief Executive.

In this instance would it come from the Chief Executive?

I don't know. Again, if it's important.

Well it would help in us directing .....to you.

Well why don't you talk to the Chief Executive there. That would be the Chief Executive of, I mean most of the questions you're putting to me I would put either to their Chief Executive, or you know if you normally go through their press office, to their press office, and see whether they can get her.

Okay. Well listen Len I've used up far too much of your time already.

It's okay.

If you can actually nail down when the second request was made and when the report was delivered it would be extremely helpful for us.

Okay. If I can find out that information then I will but I mean it would .....

In terms of it I would not be pestering you for anything else if you could give us that. That would help in terms of how we would continue to investigate this because obviously if there are people without any knowledge of a second visit.

I do understand. The problem is I get the impression, I don't think it's a false impression, that you're quite telling me everything you know and even though I can't really see .....with any of it, it makes me wonder whether there is stuff that I don't know.

I mean I'll be absolutely honest with you, we are .....

I mean that's why I'm being perhaps slightly more cautious than I would be over a lot of these things.

I understand that position.

All I can do under those circumstances is simply stick to exactly what the position like this should be anyway which is it's their visit, it's up to them to tell you as much or as little as they wish.

I think my concern is of course that as a journalist I have to (a) protect sources, so I've got to be very careful, and I don't think, it's not that there are any concerns that you're going to put the phone down from here and ring the Trust or ring anyone else and alert them to exactly what we're saying, but my concern is that by saying something that may inadvertently help the Trust identify who it is I was talking to, your not playing games with that person's position and I don't really want to do that.

Sure, but I mean you could only do that without being a lot more open with us as to who it might be and what the risks are because as I say at the moment I know you've got some sort of story there. I can only speculate about exactly what it might be and I'm naturally going to be cautious and I'm not unnaturally going to ask anybody that I can get hold of whether there's anything that I ought to know. If it's really important to know exactly when the second report was done that may be information that I can find but as I say you have to understand that the processes are as I described. In other words we set it up and thereafter it's the Trust's and it could be that we don't, you know as I day, not only don't we have a copy of the report but we don't even have it recorded as to when it was delivered, in which case I would be relying on people's memories but I can .....

That would be most helpful.

Let me see what I can find.

I mean you can understand, without having to get into any detail of it Len, the fact is that if you get four or five of these a year and then one small hospital with three paediatricians, three paediatricians are based in the Enniskillen hospital, and you're in there twice in three years, I mean how many hospitals are there in the UK?

Oh I don't know, hundreds of them.

You can understand, it seems a bit .....

I do understand what you're saying to me but .....

You know I'm not jumping towards a conspiracy here, but certainly there would be some concern about why the Trust has called you in twice and what exactly was being examined and that's up to the Trust to explain why you did that but certainly as far as I'm concerned I don't want to, it would undermine your position and mine if I'm going to the Trust with the wrong information. The Trust would say well the Royal College actually says they were in twice and it turns out that you weren't in twice that would be, it would just undermine us all.

I don't think they're going to say that. I mean I don't see why they would say that. If they did then you would need to get back to me and say that's what they'd said. — 12:22:50

The only other person who would know a lot of this is John and he only recalls one.

Well maybe he was only involved in one, I mean again it's not a question I put to him because I hadn't realized it was at all an issue.

No it's not. John was the Irish officer, that's not how you describe him, but he was the ~~front~~ going man here and so I would expect John to know exactly what was going on and John accepts that.

I've got a copy of his email to ~~me~~ you today was it saying he wasn't involved in arranging the visits and again if that's what he says then I'm sure that's right. He wouldn't necessarily have been and I don't have any records certainly which say anything to the contrary but that's the only thing I've got from John.

But he did speak to you since you were there?

No, I haven't actually spoken to him but I've got this, I'm just trying to think, did he phone me, no I don't think so.

Why do you think it says in the second line of the email that he's ~~concerned at~~ confirmed with Len Tyler?

Because I think he may have emailed me. I'm just trying to remember. I don't think it's terribly significant.

Well it is if John's misleading me.

No, he's not.

You just said that you didn't speak to him since we spoke before.

No I think it was an email. I think it was an email, but all I'm saying is that is, no I mean, did we speak or did he email or what, I can't remember now. Do you want me to .....I can't deal with this particularly if it's not significant. You seem to be assuming that we had something to cover up which isn't the case.

No, I'm just surprised that you can't remember if you actually spoke to him or not. I know that these matters were back in 2000 and 2002. It worries me slightly .....

That I can't remember whether it was a phone call or an email.

John Jenkins, you obviously understand, if he's sending me an email at twenty past seven this morning, he understands the importance of this and grasps the significance of it. All I'm saying to you is that John is saying to me that he has left the decision with you and I just confirmed it. I'm slightly concerned that you don't remember the call.

No, I remember the discussion as it were but I've exchanged a number of emails and I'm just seeing if it's one of those. No it doesn't seem to be. In that case it must have been a telephone conversation but I really have, what he said is correct. 12:26:14

Okay. Well look we'll leave it that you're going to try and nail down exactly when you were called in in 2002.

I will see if I can find that.

That would be brilliant. Thanks.

Bye-bye.