



From the Permanent Secretary  
and HSC Chief Executive

Dr Andrew McCormick

Mr John O'Hara QC  
Chairman  
The Inquiry Into Hyponatremia Related Deaths  
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Our Ref: AMCC 4633

Date: 12 November 2013

Dear Chairman

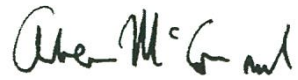
Further to your letter to Nuala McCarron letter dated 11<sup>th</sup> November.

The Department has no major issue with the summary position set out in your letter.

The only point of any materiality that needs to be raised is that the Department's view is the final sentence of your paragraph 3 would be more rounded if it read: "This suggests to me that the Professor's Report, together with the oral evidence I have heard, provides a sufficiently clear picture of the realities in Northern Ireland at the relevant times, and sufficient insight into how this compared with England for present purposes." The Department makes this point because it is outside your Terms of Reference to assess the position in England to the level of detail that would be needed to make a full, evidence based comparison – and given that there is some evidence that the system in England was not fully effective until relatively recently. Thus, the Department would agree with the main conclusion in your letter that the evidence now available from Professor Scally's Report and the witnesses you have heard may be sufficient for your present purposes.

As you know, there are concerns about the specific the phrase "a failure of leadership" and the Department would not want this letter to be read as a concession on that point – it is not a matter on which it would be at all appropriate for the Department to take a view as it is by definition an overall assessment on an issue where the Department is as subject to the Inquiry's scrutiny as any other part of the HSC system, and this assessment can only be reached through your consideration of all the evidence you have heard. However, in arriving at your conclusions the Department asks that you note that the Department considers that ultimately the safety and quality agenda, as with the role of holding arms length bodies to account for their performance, is a corporate Departmental responsibility.

I hope this is helpful.

A handwritten signature in black ink that reads "Andrew McCormick". The signature is written in a cursive style with a capital 'A' and 'M'.

**ANDREW McCORMICK**