

Introduction

This Report sets out the findings of the Investigation Panel set up by the HSCB Chief Executive, Valerie Watts, following receipt of allegations made under the HSCB Whistle Blowing policy, relating to the adequacy of searches carried out by the Western Health and Social Services Board (WHSSB) in 2004, as well as more recently in order to secure records and documents of interest to the work of the Hyponatraemia Inquiry.

Led by Mr Justice O'Hara, the Inquiry into Hyponatraemia-related Deaths is of significant importance and was established in 2004 by the then Minister with responsibility for Health, Angela Smith, under Article 54 of the Health and Social Services (Northern Ireland) Order 1972 (see Appendix x for its Terms of Reference) following allegations made in a UTV Spotlight programme that fatal errors had been made by hospital staff administering certain intravenous fluids.

The Inquiry's remit focuses on the deaths of Adam Strain, aged four, who died in November 1995; Claire Roberts, aged nine, who died in October 1996, and Raychel Ferguson, aged nine, who died in June 2001. It also examined events following the death of Lucy Crawford in April 2000 aged 17 months, along with issues pertaining to the treatment of Conor Mitchell, aged fifteen, who died in May 2003. All five children were treated at the Royal Belfast Hospital for Sick Children, although a number had been transferred from other hospitals.

At points in 2013 the Inquiry identified issues in relation to the perceived lack of documents provided by the legacy WHSSB and as a consequence a series of further extensive searches were carried out. These yielded only limited additional documentation germane to the Inquiry's purpose.

The Investigation Panel would like to thank all those it contacted or interviewed for their willing and patient assistance.

Team Membership

- Dr Sloan Harper, Director of Integrated Care, HSCB
- Mr John Gillies, Associate HSC Leadership Centre
- Mr Edmond McClean, Deputy Chief Executive/Director of Operations PHA

Terms of Reference of Investigation Team

The Investigating team is asked to consider the information contained in the whistleblowing letter with a view to:

1. Establishing if there has been any deliberate attempt to remove evidence from the consideration of the Hyponatraemia Inquiry.
2. To consider if there has been any deliberate attempt to destroy evidence or equipment contrary to the instructions regarding the need to preserve evidence for further consideration by the Inquiry
3. To determine if officers of the Board and previously WHSSB did undertake a comprehensive search of all material relevant to the work of the Inquiry and if not how that might have been deficient or had any impact on the evidence provided by the HSC Board.
4. Establish what actions, if any, were taken by management to investigate any previous allegations made by [REDACTED] in relation to the matters at 1-3 above.

In writing to the Investigating Panel, the Chief Executive further asked that the matter is progressed *'as confidentially and as promptly as possible. This should be considered an urgent priority given the proximity of the publication of the Inquiry report.'*

Summary of Issue

The focus of the Whistle Blowing allegations centre on the searches conducted in Gransha Park House (GPH) in 2004 and 2013 in relation to the Hyponatraemia Inquiry. This was in the context of a number of attempts by the Inquiry Solicitors and Inquiry Chairman to establish details around the extent of the searches conducted by WHSSB in 2004 in securing all notes documents records and reports relating to Lucy Crawford and Raychel Ferguson as instructed by the then Permanent Secretary, Clive Gowdy (28th October 2004) and subsequently the Inquiry Chairman John O'Hara (1 December 2004).

The Whistle Blower coordinated those searches carried out in 2013. That individual indicates that

'certain actions and statements by members of staff who had been involved in an initial search conducted in the WHSSB offices in 2004 began to raise concerns with me.'

Specifically, the Whistle Blower in this regard cites responses received in 2013

'from [REDACTED], [REDACTED] and [REDACTED] which set out their roles in, and their input to, the searches in 2004.'

The Whistle Blower further states that

'I then received further statements from members of staff in GPH. In the case of [REDACTED] this later statement appeared to reverse previous statements received from [REDACTED] which had formed the basis for responses issued by HSCB'

to the Inquiry as referred to above. In the case of [REDACTED] [REDACTED] further statements appeared to seek to clarify the extent of [REDACTED] involvement in respect of physical searches that took place in 2004. These later statements from [REDACTED] and [REDACTED] raise questions in respect of the information provided to the Inquiry by HSCB in 2013 and as to whether adequate searches were conducted, and by whom, in 2004.

The Whistle Blower alleges that

'[REDACTED] subsequently sought to have electronic equipment which was being secured as a direct result of requests for searches to be initiated to identify missing information by the Inquiry, to be disposed of.'

The Whistle Blower also states that

'I believe these matters as set out above require investigation to establish whether or not the Inquiry has been misled or misdirected by HSCB in 2013 as to the searches conducted in 2004, including as to the extent of the searches, which business areas were included in those searches, and within those business areas which systems were searched (specifically if those searches included email and manual filing systems).

The Whistle Blower states

'This matter has been raised with Management by me previously

- I provided evidence of my concerns to an investigation panel in relation to workplace behaviours on 4th August 2016 which set out my concerns relating to matters that came to light in 2013 during searches ordered by the Inquiry. I had an initial interview in August 2016. My concerns were not addressed.
- I raised concerns with line management on numerous occasions particularly in December 2015 and again in March 2016 and February 2017.
- I raised concerns in 2013 at the point statements were changed and following issues relating to the safe and secure storage of electronic equipment.

In summary, the panel understand that the WB is deeply concerned that the reliability of the search conducted in 2004 is questionable and could not have been carried out correctly because documents could be missing and that, in consequence, the information provided to the Inquiry team may not have represented the entirety of the information that might reasonably be expected to have been available. Underpinning these are concerns:

- as raised by O'Hara Inquiry solicitors,
- about emails that indicate a reversal of recall of extent of roles, and
- regarding possible attempts to destroy IT equipment that is protectively secured by the WB.

Methodology for Investigation

The Whistle Blower (WB) was interviewed on DATE. WB was accompanied throughout the interview by [REDACTED] Union representative and the interview lasted 5 hours and 17 minutes. WB referred to a file of documents throughout the interview, a copy of the file of documents was provided to the investigation panel by WB at the outset of the interview. This file of documents will be referred to as Ref A and is available as an appendix to this report.

Throughout the interview WB answered all questions put to [REDACTED] and provided a significant amount of information in support of [REDACTED] concerns.

- The WB said that, in [REDACTED] opinion, the searches conducted in 2004 could not have been carried out correctly because documents were missing and that in consequence the information provided to the inquiry team did not represent the entirety of the information that should have been available. WB said that the searches that [REDACTED] coordinated in 2013 were rendered unreliable because the document storage and information management practices in place in the time leading up to the 2004 searches were not sufficiently robust to guarantee that all documentation would have been appropriately stored.
- WB said that [REDACTED] had written contradictory accounts of [REDACTED] role in the 2004 document search. WB did not explain why this concerned [REDACTED].
- WB said that [REDACTED] had made numerous attempts to have IT equipment that WB had been instructed to protectively secure destroyed, WB did not indicate why [REDACTED] would want to destroy IT equipment that WB had protectively secured.
- WB said that [REDACTED] had raised [REDACTED] concerns on previous occasions with senior management but that nothing had been done about it.

EXECUTIVE SUMMARY

WB posits that the absence of information that might reasonably be expected to be present indicates that such information is in fact missing. WB supports [REDACTED] position by citing comment from Justice O'Hara to the effect that documents found in other Trusts suggest that similar documents ought to be available in GPH files. WB further supports [REDACTED] position by referring to two documents that were found in a search conducted in 2013, inferring that they should have been found in 2004.

The panel interviewed the people involved in the 2004 search (less those that are no longer employees), the key DLS personnel that handled the documents found in the searches, and all of the management team that were responsible for managing those

involved in the searches at that time. None of the people interviewed held a similar view to WB or provided any information that would support WB concerns regarding the search conducted in 2004.

TOR 1. Establish if there has been any deliberate attempt to remove evidence from the consideration of the Hyponatraemia Inquiry.

and

TOR 2. To consider if there has been any deliberate attempt to destroy evidence or equipment contrary to the instruction regarding the need to preserve evidence for further consideration by the Inquiry.

ATTEMPTS TO DESTROY IT EQUIPMENT

WB made direct reference to ██████ in regard to what WB perceives as attempts to destroy IT equipment that WB had been instructed to secure in event that it was required at a later date. There are numerous emails from ██████ that show that ██████ made repeated requests relating to access to the room in which the IT equipment was stored. In some of these emails ██████ asks when the IT equipment could be removed. There are emails from WB to ██████ and ██████ (DLS) in which ██████ seeks a degree of third party authority to support physical security measures put in place by WB. This exchange culminates in an email from ██████ to both ██████ and ██████ in which ██████ clarifies the situation and makes it clear that the security of the IT equipment is a priority, and that WB is responsible for ensuring the security of the IT equipment. The effect of ██████ email was that there was no further exchange of emails from ██████ to either WB or ██████ regarding the IT equipment.

The direction to retain the old IT equipment was in an email from ██████ to ██████ dated 08 April 2013 and received at 10:00. ██████ forwarded that email to WB 6 minutes after it was received and WB acknowledged receipt 4 minutes later. ██████ was not copied into this email exchange.

On 15 October 2013 WB sent an email at 10:23 in which ██████ said that ██████ had become aware of a proposed disposal of old PC's and Laptops at GPH. ██████ does not say how ██████ became aware of a planned disposal. In that email ██████ expressed the imperative for ██████ to identify assets that should be retained until the inquiry has ended. ██████ responded to this email saying that *"We will list out any assets proposed for disposal and then you can give us a yes or no before collection. We have the list of assets identified previously as not for destruction"*. ██████ was not copied into this email exchange.

On 28 October 2013 ██████ sends an email to ██████ at 12.21 in which ██████ tells ██████ that *"after a chat with WB, we've decided to hold off on the asset disposal for the Gransha ground floor store. As soon as the inquiry is over however we'll*

move straight to have the kit in that store removed and destroyed". This email was copied to WB and [REDACTED]. This email chain continues until 31 October when WB emails [REDACTED] and [REDACTED] at 11:42 in which [REDACTED] closes by writing that **"I would think that we will probably revisit this issue in the New Year based on when and if the Inquiry finishes coming up to the holidays"**. WB did not include [REDACTED] in any of the emails in this chain. Throughout the period 28 to 31 October 2013 [REDACTED] wrote two emails to [REDACTED] on the matter of the IT Equipment and the store. Neither of these emails mention either **disposal** or **destruction**. In contrast [REDACTED] refers to **asset disposal** or **AMI** (the agency used for disposal of assets) in each of the three emails sent by [REDACTED] to WB, however WB does not raise concern that [REDACTED] was making attempts to have the IT Equipment destroyed.

On 03 December 2013 [REDACTED] emailed [REDACTED] at 16.24 and asks **"[REDACTED] is there an update on when the IT equipment can be collected by AMI for disposal?"** [REDACTED] replies on 03 December at 16.27 with **"[REDACTED] we'll be clearing it as soon as we get the go ahead from WB, we're still holding until the enquiry is finished. WB could give you a better idea of the time."** Two minutes later [REDACTED] emails WB saying **"I am looking to tidy the HSCB IT Store room on the ground floor and arrange for the IT equipment to be disposed of once the inquiry has concluded. Do you have any sense of the timeline for the inquiry?"** ON 04 December at 10.27 WB replies to [REDACTED] - copied to [REDACTED], [REDACTED] and [REDACTED] - by email in which WB does not answer [REDACTED] question about the timeline for the inquiry, but explains that **"[REDACTED] team is responsible for the disposal of IT equipment"**. Later in the email WB wrote that **"...it is advisable to maintain the status quo"**. In an email sent on 04 December 2013 at 18.31 [REDACTED] clarifies the matter regarding the request to WB that [REDACTED] sent the previous day at 16.29. The clarification explains that the question to WB stemmed from **advice provided by [REDACTED] that the IT store should be tidied and that arrangements made for AMI to collect for disposal.** [REDACTED] wrote that **"subsequent advice from IG Staff was that no equipment should be moved or disposed of pending the end of the inquiry which I totally understand."**

Following this exchange of emails on 04-05 December 2013 [REDACTED] emailed [REDACTED] at 08.36 on 05 December 2013 to clarify the need to ensure the integrity of any equipment until the report of the Inquiry has been published and the PPS review is concluded. In the same email [REDACTED] later writes that **"...this should be the responsibility of the IG team and that the key to the store should be retained by WB until all associated processes with the inquiry has concluded"**.

It is clear from the email sent regarding the matter of the IT equipment that [REDACTED] fully understood that the equipment was to be retained until it was cleared for disposal after it was confirmed that it was no longer needed in connection with the Inquiry. It is also clear that [REDACTED] did not make any request to destroy or dispose of the IT equipment until after it was no longer required. [REDACTED] wrote to WB and asked if WB had **"any sense of the timeline for the Inquiry"** because [REDACTED] wanted to **"... arrange for the IT**

equipment to be disposed of once the inquiry has concluded". WB did not respond to this request for clarity and elected instead to explain the rationale for retaining the IT equipment. WB copied this email to a number of people. This prompted [REDACTED] to email each of the people that received WB's email to explain that the rationale for retaining the IT equipment was already understood and that all that was sought was clarity about when the IT equipment might be available for disposal. What followed was a series of emails to [REDACTED] that reiterated the rationale provided by WB. In light of an unambiguous email from [REDACTED] in which it is clear that the rationale for not disposing of the IT equipment is succinctly articulated it is not clear what caused these emails to be sent to [REDACTED]

In interview [REDACTED] said that the reason that [REDACTED] had pressed WB about the room that the IT equipment was stored in, and why [REDACTED] sought clarity about when the IT equipment could be moved, was because [REDACTED] needed access to a room that could only be accessed through the room in which the IT equipment was being stored. The panel visited the room in which the IT equipment is stored and were able to see that [REDACTED] would indeed need access to the room in which the IT equipment was/is stored in order to access a room that [REDACTED] role required [REDACTED] to be able to access.

In emails written at the time [REDACTED] said that [REDACTED] was not happy with the untidy way that the IT equipment was stored because it constituted a trip hazard, in consequence of this email WB caused the IT equipment to be tidied. [REDACTED] stated in interview that [REDACTED] had spoken with WB over the course of several telephone conversations about the need to secure the IT equipment but that WB had never mentioned that anybody was attempting to have it removed and/or destroyed. In interview [REDACTED] said that [REDACTED] had never requested that the IT equipment be destroyed. In addition, none of the emails provided by WB showed that [REDACTED] stated an intent to destroy the IT equipment. During interview [REDACTED] said that [REDACTED] had never formed the view that [REDACTED] was intent on destroying the IT equipment, further to this [REDACTED] said that [REDACTED] did not have any reason to think that this was ever the case. The panel could not find any evidence to support WB's concern that [REDACTED] was attempting to have the IT equipment destroyed.

WB provided the Panel with an undated document titled "Hyponatraemia Inquiry Information Searches" in which WB's concerns regarding the conduct of [REDACTED] are expressed. In particular WB wrote "*What is clear in respect of the evidence submitted, is that on multiple occasions, [REDACTED] attempted to undermine a decision in respect of retaining electronic equipment by attempting to elicit authorisation from others.*" The panel did not find any evidence to support this statement.

FINDING

WB is mistaken in [REDACTED] understanding that [REDACTED] was attempting to undermine a decision in respect of retaining electronic equipment.

CONCLUSIONS

There has not been any deliberate attempt to remove information
There has not been any attempt to destroy IT equipment.

TOR 1. Establish if there has been any deliberate attempt to remove evidence from the consideration of the Hyponatremia Inquiry.

MISSING DOCUMENTATION

The remarks from Justice O'Hara that express surprise and concern in regard to the relative lack of information discovered in the 2004 search amount to a comment on the information management/document storage practices in place at GPH over the period leading up to the 2004 search. The panel have found that the information management regime in place at GPH at that time was such that emails were routinely erased when inboxes became full, that files considered at that time to be unimportant were discarded rather than being archived, and that hard copy documents were weeded and shredded when filing cabinets became full. Although such activity was established procedure within GPH in the period up to 2004 and beyond, as elsewhere to various degrees, it is not valid to assume that the intention of this procedure was to deny access to and scrutiny of specific documents at a later date, although it is recognised that such unintentional effect could have occurred.

With the exception of WB none of the people interviewed had ever formed an opinion that information may have been destroyed to prevent it being found in the search conducted in 2004. In our dialogue with WB it was noted that WB fell short of stating that information had been destroyed in order to prevent it being found in the 2004 search, electing to hold the position that the absence of something that it was reasonable to expect to be present indicates that it is in fact missing. Whilst it is understood that the GPH practice at that time was to periodically weed files (paper and electronic), and that GPH did not archive the entirety of the documents that it handled, and that GPH deleted emails when accounts reached a certain level, there is no evidence to indicate or infer that the GPH document handling procedures were implemented in order to deny information to the inquiry, or indeed to render information unavailable for any reason.

The comprehensive search that WB coordinated in 2013 discovered the same documents that were discovered in 2004, with the addition of a further two documents that were found in a location that was outside the search parameters of the 2004 search. Neither of the additional documents discovered in the 2013 search coordinated by WB were listed on the inquiry website.

FINDINGS

There is no indication that documents were destroyed to prevent them being made available to, or otherwise deliberately denied to, the inquiry.

CONCLUSIONS

There is no evidence to suggest that there has been any deliberate attempt to remove evidence from the consideration of the Hyponatremia Inquiry.

TOR 3. To determine if the officers of the board and previously WHSSB did undertake a comprehensive search of all material relevant to the work of the inquiry and if not how that might have been deficient or had any impact on the evidence provided by the HSC Board.

REVERSAL OF POSITION

WB said that the description of the role of █████ during the 2004 search for information that was provided in an email from █████ on 29 August 2013 at 17.24 was not the same as the description of █████ involvement provided in an email to █████ on 12 March 2013. In interview WB describes this as evidence of a "complete reversal" of █████ position which WB describes as a cause for concern.

The panel read all of the emails provided by WB in support of this concern. The panel interviewed █████ and █████ in regard to this matter and were able to confirm that the email sent by █████ to █████ on 29 August 2013 at 17.24 was an inaccurate account of █████ role. However, the panel also heard from █████ that █████ was asked for clarification in an email sent by █████ on 30 August 2013 at 10.40 in regard to the 29 August 2013 email. On the same day (30 August 2013) █████ emailed █████ in response at 11.46 in which █████ acknowledged the error and reverted to the original account as described in the 12 March 2013 email.

█████ emailed WB on 2 September 2013 at 12.38 in which █████ tells WB that █████ *"...received a further email from █████ dated 30 August which advises that █████ did not conduct the search of Board and Committee minutes that █████ thought █████ did"*. WB is correct that █████ account in the email of 29 August 2013 was inaccurate, however WB does not appear to consider the correction by █████ in an email of 30 August 2013 at 11.46 which was brought to █████ attention in an email from █████ sent at 12.38 on 2 September 2013.

The panel asked █████ to account for the change of description in █████ roles and █████ said had written the email 9 years after the searches and that █████ memory had let █████ down

and that once reminded [REDACTED] was able to fully recall the extent of [REDACTED] role.

The net outcome of the exchange of emails relating to the extent of involvement in the 2004 searches for information was that there was no change in the description of [REDACTED] roles and involvement. In discussion with [REDACTED], and [REDACTED] the panel were able to confirm that the confusion experienced by [REDACTED] was not considered to be of any material concern at the time, or at any time since. [REDACTED] and [REDACTED] also confirmed that WB had not discussed the matter with either of them at the time, or at any time since.

FINDINGS

On 29 August 2013 [REDACTED] provided an account of [REDACTED] role in the 2004 searches that was different to an account that [REDACTED] had previously provided in March 2013.

On 30 August at 11.46 [REDACTED] corrected [REDACTED] earlier email, reverting to [REDACTED] March 2013 account, following a request for clarification from [REDACTED]

The original email from [REDACTED] was received by [REDACTED] at the end of the working day on 29 August 2013 at 17.24. [REDACTED] requested clarification from [REDACTED] on the next working day (30 August 2013) at 10.40. [REDACTED] provided clarification to [REDACTED] one hour and 6 minutes after [REDACTED] received the request for clarification.

The variation between the accounts provided by [REDACTED] deals with who conducted the search of the Board and Committee minutes. The clarification provided by [REDACTED] simply advises that [REDACTED] did not conduct the search of the Board and Committee minutes that [REDACTED] had previously thought [REDACTED] had.

On 2 September 2013 at 12.38 [REDACTED] shared [REDACTED] clarification with WB.

The variation between description of [REDACTED] role amounts to a confusion over the identity of the person that conducted the search of the board and Committee minutes. This was quickly resolved in a matter of hours. There is no suggestion that the Board and Committee minutes were not searched.

[REDACTED] was confused about the extent of [REDACTED] role in the 2004 searches and assumed responsibility for an aspect of the search that [REDACTED] did not carry out.

[REDACTED] asked [REDACTED] to clarify [REDACTED] role in light of [REDACTED] previous description recorded in March 2013. One hour and 6 minutes later [REDACTED] apologised for any confusion [REDACTED] had caused and corrected [REDACTED] description of [REDACTED] role.

This short lived confusion did not cause any concerns to be raised by any of the senior managers present at that time, neither was it a source of concern for any of the DLS

personnel involved at that time.

The short-lived confusion experienced by [REDACTED] in terms of [REDACTED] role in conducting the search of the Board and Committee minutes does not undermine the integrity of the search that was conducted.

CONCLUSION

The officers of the board and previously WHSSB did undertake a comprehensive search of all material relevant to the work of the inquiry.

TOR 4. Establish what actions, if any, were taken by management to investigate any previous allegations made by WB in relation to the matters at 1-3 above.

MANAGEMENT PREVIOUSLY INFORMED

WB said that [REDACTED] provided [REDACTED] employer with a detailed account of [REDACTED] concerns during an External Investigation into work place behaviours. The work place behaviours investigation concerned the working relationship between [REDACTED] and WB and dealt with interactions between them that had occurred over a number of years. The Work Place investigation was conducted by two consultants from the Leadership Centre in the period August to October 2016 and the associated report was published in November 2016.

The Terms of Reference for the Work Place Investigation were:

1. *Perception of unnecessary involvement in the role/duties of Information Governance.*
2. *Allegations/concerns of unwarranted or unwanted physical contact and proximity.*
3. *Concerns about unhelpful behaviour.*
4. *Concerns about the support and response provided by management.*

In addition, this investigation will:

- *Immediately report to the health and Social Care Board any other*

matter which may undermine the objectivity or robustness of the investigation.

- *Consider any other issues of concern arising from the investigation.*
- *Refer to any other issues of concern, not directly relevant to the ToR, to the appropriate senior manager for investigation/action as appropriate.*
- *Make recommendations on what action if any should be taken in relation to the matters investigated. The matters in respect of this investigation should be referred to Mr Michael Bloomfield- Director of Performance and Corporate Services for consideration of appropriate action in accordance with the facts as found by the investigation team.*
- *Establish if any action is required or necessary in relation to the behaviour of any individual.*

The detailed account of WB's concerns is a document of several pages entitled Hyponatraemia Inquiry Information Searches. This document contains numerous descriptions of what WB considers to be examples of when [REDACTED] acted to undermine [REDACTED] to disrupt [REDACTED] work, to exert influence or control over [REDACTED] work, to belittle [REDACTED] and to malign [REDACTED] reputation and character. Much of the detail in this document was the focus of the Work Place Investigation conducted over the period August to October 2016, the findings of which are detailed in the report published in November 2016.

The Work Place Investigation report does not deal with the concerns regarding the allegations that [REDACTED] made numerous attempts to interfere with WB's requirement to secure IT equipment, neither does it deal with the alleged attempts to destroy the IT equipment for which WB had been made responsible.

WB's concerns in relation to the IT equipment have been robustly investigated by this panel and the findings are at Section ??

In [REDACTED] written submission WB wrote *"It was to my mind that [REDACTED] actions, whilst an inquiry was ongoing, and [REDACTED] complete reversal in respect of [REDACTED] statement describing [REDACTED] role in the evidence gathering exercise in 2004, that raised serious concerns amongst senior staff and it was [REDACTED] actions, not mine, that required action to be initiated"*. The panel consider this statement by WB to be ~~not~~ *disingenuous and an exaggeration...*

The panel have spoken with all of the senior staff present at the time and have found no evidence to substantiate WB's assertion that *"...serious concerns were raised amongst senior staff..."* in regard to [REDACTED] actions and alleged complete reversal. The panel have determined that WB's use of the phrase *"complete reversal"* to describe [REDACTED] error in describing [REDACTED] role is an exaggeration of what occurred over the period 28 August to 29 August 2013. The panel have found that what actually occurred was that [REDACTED] initially over-represented [REDACTED] role in the 2004 searches and then when

asked for clarification by [REDACTED] reverted to the account [REDACTED] provided in March 2013. The error in [REDACTED] account of [REDACTED] role was corrected by [REDACTED] 3 hours and 22 minutes (working time) after it was initially incorrectly reported by [REDACTED] and 1 hour and 6 minutes after [REDACTED] was asked for clarification by [REDACTED]

It is unreasonable, in the panel's opinion, to characterise what occurred as a "**complete reversal... that raised serious concerns amongst senior staff**".

FINDINGS

The Work Place Investigation dealt with the friction filled difficult relationship that characterised how [REDACTED] and WB interacted in the workplace. The external consultants from the Leadership Centre that conducted the investigation considered the information provided by WB in the context of the Terms of Reference for the Investigation. ~~WB~~ did not inform the ~~Work Place Investigation~~ panel that [REDACTED] was providing information that related to what [REDACTED] considered to be serious concerns about how the WHSSB carried out its responsibilities in regard to the Hyponatraemia Inquiry.

CONCLUSION

~~There is no~~ record of WB informing senior management of [REDACTED] suspicions and concerns about how the WHSSB carried out its responsibilities in regard to the Hyponatraemia Inquiry.

The Investigation panel has reviewed the documents secured in the 2004 and later 2013 search results

Secured and reviewed a range of email and other documentation, including that provided by the interviewees

Carried out multiple interviews totaling 13 hrs 46 minutes [UPDATE] with:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Interviewed [REDACTED] Assistant Chief Legal Advisor, and [REDACTED], Solicitor, BSO Directorate of Legal Services in respect of their

Review of Investigation Panel report in relation to Workplace Behaviours displayed by [REDACTED] and [REDACTED] including interview meeting with the authors, [REDACTED]

[REDACTED] and [REDACTED]

Analysis

Clive Gowdy Letter

Head of Consumer Services initiated a search..... All information relating to the nature of the inquiry, (John Gillies notes re: [REDACTED])

Cast the net wide

'Is that it' rather than 'where is the rest of it'

No clear view as to what these should be.

Comprehensive search 2013

Led by [REDACTED]

'more structured search' 12 persons boardroom

A few extra papers? What was the totality of the yield?

What did each time find

No coordinated wrap up (of the 2 etc)?

(As of yet) seemed to be no concerns raised at the time about the search.

Security of the 2004 equipment

Context Emails 2012 – November December 2013

[REDACTED] contacted [REDACTED] over several telephone conversations after the instruction to make the equipment secure

At no time did [REDACTED] raise a concern that there were attempts to destroy equipment or evidence

As far as DLS was concerned the equipment had been scanned and anything of value removed from the hard drives

DLS did not think the hard drives contained any information that might have been missed

Rationale for securing the equipment was if PSNI etc wanted to cease it after the inquiry

- Tide up [REDACTED] vs destruction as perceived by [REDACTED]
- Note interpersonal issues

Is the equipment secure? Yes

Is the information on the equipment secure? Yes

Is there any evidence of activity to destroy the equipment? No

Are the people who requested the equipment be secured content? Yes

Is [redacted] actions tantamount to attempting to seeking to inappropriately remove or destroy equipment? No

Is [redacted] carrying out [redacted] functions and has [redacted] oversight role clarified? Yes

Is there any information remaining on hard drives not yet retrieved? No

Management response to previous allegations

[redacted] paper "up to you what you make of it"

Interpersonal

Root cause negative interaction friction

Management is aware

Attempts – HR and line management have addressed

Beeches work

Catalyst: Not Hypo not any material concern leading to evidence

"Knocking chunks"

Moving offices

Emails via [redacted] and [redacted]

DLS view – we have not seen this before. Not shared at the time.

In itself email is not a concern re 2004 finds

However does indicated poor standard of records management

Document storage/ records management poor but knew that from the paucity of what had been found;

[redacted] practices not as mature as now.

Changing Position

2013 email contradicting 2004

Passage of time their memories have faded... would like to see their explanation.

Shift; reversal of position

It may represent a clarification. It was challenged at the time by [redacted] and [redacted] and they went back to the original line.

[redacted] papers March 2013.

Conclusions

Based on the analysis above the Investigation Panel has concluded that:

1. There has been not been any deliberate attempt to remove evidence from the consideration of the Hyponatraemia inquiry.
2. There has not has been any deliberate attempt to destroy evidence or equipment contrary to the instructions regarding the need to preserve evidence for further consideration by the inquiry
3. Officers of the Health and Social Care Board and previously WHSSB did undertake a comprehensive search of all material relevant to the work of the Inquiry. The Investigation Panel would note the more structured approach taken in the 2013 searches (albeit that this didn't produce any significant additional documentation) and the relative under-development of records management and related systems in 2004 compared to 2013.
4. Establish what actions, if any, were taken by management to investigate any previous allegations made by [REDACTED] in relation to the matters at 1-3 above.??????

Recommendations

List the improvement strategies or recommendations for addressing the issues above. Recommendations should be grouped into the following headings and cross-

referenced to the relevant conclusions. Recommendations should be graded to take account of the strengths and weaknesses of the proposed improvement strategies/actions.

- Local recommendations
- Regional recommendations
- National recommendations

Learning

In this final section it is important that any learning is clearly identified. Reports should indicate to whom learning should be communicated and copied to the Committee with responsibility for governance.

Mr Alphy Maginness
Director of Legal Services
2 Franklin Street
BELFAST
BT2 8DQ

Your Ref:

Our Ref: JOH-0466-18

Date: 22nd January 2018

Dear Mr Maginness,

**Re: REGIONAL HEALTH AND SOCIAL CARE BOARD – WHISTLEBLOWING
CORRESPONDENCE**

Thank you for your letter of 19th January with enclosures. It is my intention to circulate your letter together with the draft and final reports since these have been redacted and the anonymity of individuals has been protected.

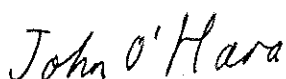
While I am reassured to an extent by the content of the final report into the whistle-blower's concerns, without the supporting documentation, (labelled Files 1, 2 and Lever Arch File B) it is incomplete. I would be grateful if these necessary appendices be forwarded to me today. I confirm that I will consider whether they should be made more widely available, in redacted form, only after taking into account your views and those of the other interested parties potentially affected. If the files are not provided today, it will be necessary for me to issue a statutory notice compelling production of them.

Additionally, please provide;

1. a copy of the Board's whistleblowing policy
2. any information relating to the whistle-blower's response to my letter of 18th inst.
3. confirmation that the IT equipment currently secured in Gransha Park House was searched as referred to by Ms Beggs in her letter to Ms Dillon dated 20th June 2013. I have enclosed a copy for your ease of reference.

I am grateful for the panel's offer to meet me but consider that in the circumstances would be inappropriate.

Yours sincerely,



JOHN O'HARA