

**Investigation Report on Whistle Blower's  
concern in relation to searches and evidence  
relevant to the Hyponatraemia Inquiry**

12 December 2017

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## EXECUTIVE SUMMARY

The WB (Whistle Blower) said that, in their opinion, the searches conducted in 2004 could not have been carried out correctly because documents were missing, as identified by the O'Hara Inquiry solicitors, and that in consequence the information provided to the Inquiry Team could not represent the entirety of the information that should have been available.

WB said that the searches that they coordinated in 2013 were rendered unreliable because the 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.

On this basis, 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 their position by citing comment from Mr 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 their concerns by referring to two documents that were found in a search conducted in 2013, the inference being that they should have been found in 2004.

WB said that a person involved in the 2004 (and latterly 2013) searches – 'A' - had written contradictory accounts of their role in the 2004 document search. WB did not explain why this concerned them.

WB also stated that 'A' had made numerous attempts to have IT equipment destroyed that WB had been instructed to protectively secure. WB could not explain to the Investigation Panel why 'A' would want to destroy IT equipment that WB had protectively secured.

WB said that they had raised their concerns on previous occasions with senior management but that nothing had been done about this.

The Investigation 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 team that were responsible for coordinating and managing the searches. The Panel also interviewed all of the people involved in the reported change of role in 2004, and all of the people involved in the security of the IT equipment.

The Panel did not find any information or corroboration to substantiate the concerns reported by WB, in addition:

- None of the people interviewed held a similar view to WB or provided any information that would support WB concerns regarding the documentation provided

to DLS.

- None of the people interviewed shared WB's concerns regarding the reported change in description of roles.
- None of the people interviewed shared WB's concerns regarding the security of the IT equipment.

The Panel found that there are fact based explanations for each of the concerns raised by WB.

## INTRODUCTION

This Report sets out the findings of the Investigation Panel set up by the HSCB Chief Executive, Valerie Watts, following receipt of concerns raised 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. The concerns raised by the Whistle Blower also related to the security of IT Equipment that the BSO Directorate of Legal Services (DLS) had instructed was to be securely stored until DLS issued instructions to the contrary.

Led by Mr Justice O'Hara, the Inquiry into Hyponatraemia related Deaths 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 following allegations made in a UTV Spotlight programme that fatal errors had been made by hospital staff administering 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 volume of documents provided by the legacy WHSSB and as a consequence a series of further extensive searches were carried out by the Health and Social Care Board (HSCB), its successor organisation. These yielded only two additional documents, both of which were found in locations that were not considered relevant in the 2004 search, and both of which were not subsequently published on the Inquiry website.

The Investigation Panel recognises that it takes considerable personal courage to decide to "Whistle Blow", and that taking such a decision would have involved significant personal turmoil and soul searching. The Panel acknowledge that in this case WB was concerned to ensure that the information provided to the Inquiry represented the entirety of the information that was available, and by raising their concerns WB has in effect brought about the application of a further level of assurance to the information searches carried in 2004 and again in 2013. The findings of this Investigation serve to underpin confidence in the integrity of the searches carried out in 2013 which in turn served to reinforce the 2004 searches.

The Investigation Panel is grateful to WB for having the strength of character and fortitude to raise their concerns, and for investing significant time and energy in assisting us. The Investigation Panel thanks all those it interviewed for their openness and willingness to

provide assistance and information.

#### **TEAM MEMBERSHIP**

- Dr Sloan Harper, Director of Integrated Care, HSCB<sup>1</sup>
- Mr Jon Gillies, Associate, HSC Leadership Centre<sup>1</sup>
- 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 whistle blowing 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; and
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.

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.”*

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<sup>1</sup> Following objection by WB to Dr Harper, or any senior management member from the HSCB, the HSCB Chief Executive, with the BSO Director of Human Resources, commissioned, through the HSC Leadership Centre, an experienced consultant to provide an independent perspective on the Investigation Panel.

## SUMMARY OF ISSUES

The focus of the WB's 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 (28 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 ['C'], ['A'] and ['B'] 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 ['A'] this later statement appeared to reverse previous statements received from [them] which had formed the basis for responses issued by HSCB to the Inquiry as referred to above. In the case of ['C'] [their] further statements appeared to seek to clarify the extent of [their] involvement in respect of physical searches that took place in 2004. These later statements from ['C'] and ['A'] 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

*"['A'] 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 (sic) 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 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,
- are emails that indicate a 'reversal' of recall of the extent of individual roles, and
- regarding possible attempts to destroy IT equipment that is protectively secured by the WB.



## METHODOLOGY FOR INVESTIGATION

In summary, the Investigation Panel's approach involved:

- Review of documents secured in the 2004 and later 2013 search results.
- Understanding the approaches to the searches in 2004 and 2013.
- Securing and reviewing a range of email and other documentation, including that provided by the interviewees (available as Files 1 and 2)
- Multiple interviews totaling 15 hours 15 minutes with 8 members of staff of the former WHSSB, or of the current HSCB, who have roles in information governance and corporate functions.

*NB: These staff were identified by name or alluded to in WB's letter of 2 October 2017.*

In this investigation report we do not use the full names of individuals interviewed or cited in e-mails, only letters are used.

- Interviewed BSO Assistant Chief Legal Advisor, and a Solicitor in BSO Directorate of Legal Services, who had extensive roles in liaising with the HSCB and the Hyponatraemia Inquiry since 2004.
- Reviewed Investigation Panel report in relation to *Workplace Behaviours displayed by [WB] and [A']*, including interviewing the authors.
- The Investigation Panel also met with WB on 2 November 2017, who was accompanied throughout by a Union representative. This interview lasted 5 hours and 17 minutes. WB referred to a Lever Arch file of documents throughout the interview, a copy of this was provided to the Investigation Panel by WB at the outset of the interview. This file of documents will be referred to as Lever Arch File B.
- Throughout the interview WB answered all questions put and provided a significant amount of information in support of the concerns raised.

**TOR 1. TO 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 'A' in regard to what WB perceives as attempts to destroy IT equipment that WB had been instructed to secure in the event that it was required at a later date. There are numerous emails from 'A' that show that 'A' repeated requests relating to access the room in which the IT equipment was stored. In some of these emails 'A' asks when the IT equipment could be removed. There are emails from WB to 'A', 'D', and 'E (DLS)' in which they seek a degree of third party authority to support physical security measures put in place by WB.

This exchange culminates in an email from 'D' to both WB and 'A' in which to explain 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 'D's' email was that there was no further exchange of emails from 'A' to either WB or 'D' regarding the IT equipment.

The direction to retain the old IT equipment was in an email from 'F (DLS)' to 'G' dated 8 April 2013 and received at 10:00. 'G' forwarded that email to WB 6 minutes after it was received and WB acknowledged receipt 4 minutes later. 'A' was not copied into this email exchange.

On 15 October 2013, WB sent an email at 10:23 in which they said that they had become aware of a proposed disposal of old PC's and laptops at GPH. WB does not say how they became aware of a planned disposal. In that email they expressed the imperative to identify assets that should be retained until the Inquiry has ended. 'J' from HSCB ICT Department 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"***. 'A' was not copied into this email exchange.

On 28 October 2013 'H', HSCB IT Department, sends an email to 'A' at 12.21 in which it is stated 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 'J'. This email chain continues until 31 October when WB emails 'D', 'G' and 'K' at 11:42 and 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 'A' in any of the emails in this chain. Throughout the period 28 to 31 October 2013 'A' wrote two emails to 'H' on the matter of the IT equipment and the store. Neither of these emails mention either *disposal* or *destruction*. In contrast 'H' refers to *asset disposal* or *AMI* (the agency used for disposal of assets) in each of the three emails sent by 'H' to WB, however WB does not raise any concern that 'H' is making attempts to have the IT equipment destroyed.

On 3 December 2013 'A' emailed 'H' at 16.24 and asks **"['H'], is there an update on when the IT equipment can be collected by AMI for disposal?"** 'H' replies on 3 December at 16.27 with **"['A'], 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 'A' 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 4 December at 10.27 WB replies to 'A' – copied to 'D', 'L', 'G', and 'K' – by email in which WB does not answer 'A's' question about the timeline for the inquiry, but explains that **"['J's'] 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 4 December 2013 at 18.31 'A' clarifies the matter regarding the request to WB that 'A' sent the previous day at 16.29. The clarification explains that the question to WB stemmed from **advice provided by ['J'] that the IT store should be tidied and that arrangements made for AMI to collect for disposal.** 'A' 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 4 and 5 December 2013, 'L' emailed 'A' at 08.36 on 5 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 'L' 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 'A' 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 'A' did not make any request to destroy or dispose of the IT equipment until after it was no longer required. 'A' wrote to WB and asked if WB had **"any sense of the timeline for the**

*Inquiry*” because ‘A’ 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 ‘A’ 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 ‘A’ that reiterated the rationale provided by WB. In light of an unambiguous email from ‘A’ - 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 ‘A’.

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

In emails written at the time, ‘A’ said that they were 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. ‘E (DLS)’ stated in interview that they 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 ‘A’ said that they had never requested that the IT equipment be destroyed. In addition, none of the emails provided by WB showed that ‘A’ stated an intent to destroy the IT equipment. During interview ‘D’ said that they had never formed the view that ‘A’ was intent on destroying the IT equipment. Further to this they said that they did not have any reason to think that this was ever the case. This investigation could not find any evidence to support WB’s concern that ‘A’ 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 ‘A’ are expressed. In particular WB wrote “*What is clear in respect of the evidence submitted, is that on multiple occasions, [‘A’] attempted to undermine a decision in respect of retaining electronic equipment by attempting to elicit authorisation from others.*” This investigation did not find any evidence to support this statement.

## **FINDINGS**

WB is mistaken in understanding that 'A' 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 HYPONATRAEMIA INQUIRY.**

### **MISSING DOCUMENTATION**

In an email to the HSCB Chief Executive WB wrote that they *"...retains copies of letters from 2013 received from the Inquiry which demonstrate repeated attempts by the Inquiry solicitors and ultimately by the Inquiry Chairman to establish details around the extent of the searches conducted by WHSSB in 2004"*. WB further wrote that *"These 2013 letters identify significant issues in relation to the documents the Inquiry had been provided with following the 2004 search, which centered on:*

- 1. Lack of documentation submitted in 2004 by WHSSB to the Inquiry;*
- 2. Missing documents that the Inquiry had received from other sources;*
- 3. Lack of documentation demonstrating actions taken internally within WHSSB;*
- 4. Identifying who undertook searches in 2004 and the extent of those searches."*

In interviews with former WHSSB administrative staff, the Panel noted variability in the information management practices in place at GPH. At that time 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 periodically weeded and shredded when filing cabinets became full. In this regard the Panel notes the email exchange between 'C' and 'M' of 9 November 2004 entitled 'Learning from Recent Document Search'. 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 subsequently recognised that this may have become an unintentional consequence.

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 lengthy dialogue with WB it was noted that WB always fell short of stating that information had been destroyed, deliberately or otherwise, 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 staff may have deleted emails when accounts reached a certain level, there is no evidence to indicate, or infer, that the GPH document handling practices 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, which all interviewed recognised as exemplary, 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 subsequently listed by the Inquiry on its 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 'A' during the 2004 search for information that was provided in an email from 'B' on 29 August 2013 at 17.24 was not the same as the description of 'A's' involvement provided in an email to 'G' on 12 March 2013. In interview WB describes this as evidence of a "complete reversal" of 'A's' 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 'A', 'C', 'B', and 'G' in regard to this matter and was able to confirm that the email sent by 'B' (on behalf of themselves, 'A' and 'C') to 'G' on 29 August 2013 at 17.24 was an inaccurate account of 'A's' role. However, the Panel also heard from 'G' that 'A' was asked for clarification in an email sent by 'G' on 30 August 2013 at 10.40 in regard to the 29 August 2013 email. On the same day (30 August 2013), 'A' emailed 'G' in response at 11.46 in which 'A' acknowledged the error and reverted to the original account as described in the 12 March 2013 email.

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

The Panel carried out two interviews with 'A' to account for the change of description in their role and they said they had written the email 9 years after the searches and that their memory had let them down and that once reminded they were able to fully recall the extent of their role. The Panel note:

- 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 A's roles and involvement.
- In discussion with 'G', 'N (DLS)', and 'E (DLS)' the Panel was able to confirm that the



confusion experienced by 'A' was not considered to be of any material concern at the time, or at any time since.

- 'N (DLS)' and 'E (DLS)' 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 'B' wrote an email that included an account of 'A's' role, which was provided by 'A', in the 2004 searches that was different to an account that 'A' had previously provided in March 2013.

On 30 August at 11.46 'A' corrected the account contained in the earlier email that was sent by 'B', reverting to their March 2013 account, following a request for clarification from 'G'.

The original email from 'B' was received by 'G' at the end of the working day on 29 August 2013 at 17.24. 'G' requested clarification from 'A' on the next working day (30 August 2013) at 10.40. 'A' provided clarification to 'G' 1 hour and 6 minutes after they received the request for clarification.

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

On 2 September 2013 at 12.38 'G' shared 'A's' clarification with WB.

The variation between description of 'A's' 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.

'A' was confused about the extent of their role in the 2004 searches and assumed responsibility for an aspect of the search that they did not carry out.

G asked A to clarify their role in light of their previous description recorded in March 2013. One hour and 6 minutes later 'A' apologised for any confusion caused and corrected the description of their role.

The short-lived confusion experienced by 'A' in terms of their role in conducting the search of the Board and Committee minutes does not undermine the integrity of the search

conducted.

## **CONCLUSIONS**

The Panel has found no evidence that suggests or indicates that officers of the Board and previously WHSSB did not 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**

A Workplace Behaviours Investigation was conducted over the period August to October 2016, the findings of which are detailed in an internal report published in November 2016. WB said that, as part of this Investigation, they provided their employer with a detailed account of their concerns.

The Workplace Behaviours Investigation concerned the working relationship between 'A' and 'WB' and dealt with interactions between them that had occurred over a number of years. The Workplace investigation was conducted by two consultants from the HSC Leadership Centre in the period August to October 2016.

The Terms of Reference for the Workplace 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.*

WB provided the Leadership Centre consultants with a file of supporting information. Contained within this file was a document of several pages entitled "Hyponatraemia Inquiry Information Searches". This document contains numerous descriptions of what WB considers to be examples of when 'A' has acted to undermine them, to disrupt their work, to exert influence or control over their work, to belittle them, and to malign their reputation and character.

The information contained within this document was considered by the Workplace Behaviours Investigation Team to be evidence provided by WB to support assertions that 'A's' behaviour was difficult. The Team's understanding was there was no reason for it to consider this information to be indicative of anything else.

Therefore the Workplace Investigation report does not deal with the concerns regarding the WB's allegations that 'A' 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 outlined earlier in this document.

In the document mentioned above WB wrote *"It was to my mind that ['A's'] actions, whilst an inquiry was ongoing, and [their] complete reversal in respect of [their] statement describing [their] role in the evidence gathering exercise in 2004, that raised serious concerns amongst senior staff and it was [their] actions, not mine, that required action to be initiated"*.

The Panel has spoken with all of the senior staff present at the time and found no evidence to substantiate WB's assertion that *"...serious concerns were raised amongst senior staff..."* in regard to 'A's' actions and alleged complete reversal.

The Panel has determined that WB's use of the phrase *"complete reversal"* does not accurately describe what occurred over the period 28 August to 29 August 2013.

The Panel has found that what actually occurred was that 'A' initially over-represented their role in the 2004 searches and then when asked for clarification by 'G' reverted to the account provided in March 2013. The error in 'A's' account of their role was corrected by them 3 hours and 22 minutes (working time) after it was initially incorrectly reported by 'B', and 1 hour and 6 minutes after 'A' was asked for clarification by 'G'.

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

## **FINDINGS**

The Workplace Investigation endeavoured to deal with the friction filled difficult relationship that characterised how 'A' and WB interacted in the workplace. The external consultants from the Leadership Centre who conducted the Investigation considered the information provided by WB in the context of the Terms of Reference for the Investigation. The Workplace Investigation Panel said that WB did not indicate they were providing information that related to what they considered to be serious concerns about how the WHSSB carried out its responsibilities in regard to the Hyponatraemia Inquiry.

## **CONCLUSIONS**

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

## OVERALL CONCLUSIONS

The Panel found that there are fact based explanations for each of the concerns raised by WB that do not support their concerns.

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. There is no record of WB specifically informing senior management of their suspicions and concerns about how the WHSSB carried out its responsibilities in regard to the Hyponatraemia Inquiry. When WB raised the issue of Hyponatraemia with the Workplace Behaviours Investigation it was considered by them as further evidence of 'A's' behavior and action to undermine them, to disrupt their work, to exert influence or control over their work, to belittle them, and to malign their reputation and character. The Workplace Investigations Team said that WB did not inform them that they had concerns about any aspect of the Hyponatraemia Inquiry, or that the information they provided related to such concerns.

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