

2 Franklin Street, Belfast, BT2 8DQ

Strictly Private and Confidential

Mr Justice O'Hara
The Inquiry into Hyponatraemia-Related Deaths
Arthur House
41 Arthur Street
BELFAST
BT1 4GB

Date:
22 January 2018

Our Ref:
GA H99/85

Your Ref:
JLH/0465-18

Dear Judge

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

I thank you for your letter of today which I have shared with the Board.

I note you are seeking the supporting documentation consisting of files 1, 2 and Lever Arch B. As explained in my letter of 19th instant, the Board has very significant concerns about releasing these documents. It is required to comply with the Whistleblowing policy. The Board will not disclose the identity of the whistle-blower without that person's consent, unless required by law. The whistle-blower has indicated that he/she was seeking independent advice.

In my letter of 19th instant, I also explained the Board must comply with its duty of care to its staff including those who were interviewed in the course of this whistleblowing investigation. Given the distress of those staff the Board does not wish to disclose documents which may end up in the public domain (even if redacted). This is an extremely serious issue for those staff.

You state that you will consider whether the files should be made more widely available, "*in redacted form*", only after taking into account our views and those of other relevant interested parties. However depending on the redaction individuals will still be potentially identifiable from the documents that are disclosed even if names are redacted. Those staff must also be protected.

The Board would repeat its offer of a meeting with the investigation panel, who could assist you in your navigation of the documents, if you felt that would be useful.

Providing Support to Health and Social Care



In response to the specific numbered points you raise, I reply as follows;

1. Copies of the Board's whistleblowing policy and the Department's HSC Whistleblowing Framework and Model Policy dated 3 November 2017 are attached.
2. A senior Board officer spoke to the whistle-blower on Thursday evening following receipt of your letter of the same day. The whistle-blower contacted me on Friday morning. I advised the whistle-blower that I could not advise him/her as there was a clear conflict of interest. He/she confirmed he/she was seeking independent advice. A senior officer from the Board contacted him/her today after receipt of your letter and informed him/her of the content of your letter, in particular that the Board may be compelled by a Statutory Notice to provide all of the supporting documentation to the Inquiry. He/she understands that position.
3. Ms Beggs's letter dated 20 June 2013 to Ms Dillon was based on an email also dated 20th June 2013 from one Board officer to another confirming that the IT equipment secured in Gransha Park House was searched.

Should you decide to issue a Statutory Notice, the Board will consider the terms of same and respond however the law requires.

Yours faithfully

ALPHY MAGINNESS
Chief Legal Adviser

Direct Line 028 9536 3585
E-mail Address – alphy.maginness@hscni.net