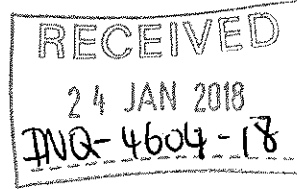




2 Franklin Street, Belfast, BT2 8DQ

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



Date:  
24 January 2018

Our Ref:  
GA H99/85

Your Ref:  
JOH/0465-18

Dear Judge

**WHISTLEBLOWING CORRESPONDENCE**

I refer to previous correspondence in this matter.

You will have received today the files that you sought under the Statutory Notice. In your letter of 22<sup>nd</sup> instant, you confirmed you would consider whether these documents should be made more widely available in redacted form, only after taking into account our views and those of the other relevant interested parties.

I indicated in my letters of 19<sup>th</sup> and 22<sup>nd</sup> instant that the Board has very significant concerns about releasing these documents. Those concerns have been heightened by an e mail it received yesterday from one of the trade unions representing a staff member who is referenced in those documents. The trade union representative states that she is concerned about her member's welfare and how it is being looked after following the recent media coverage of the whistle-blower's claims. She goes on to state the following:

*"Notwithstanding the right of the whistle-blower to have anonymity and protection under the whistle-blowing policy, the HSCB has a duty of care to my member and....colleagues. What steps will be taken by the HSCB to protect the anonymity and reputation of my member and colleagues given the high profile of this matter?"*

The whistleblowing investigation panel found no evidence to support the whistle-blower's contentions. It has found no issues of concern in relation to the search for documents or destruction of evidence or equipment. Its findings, which have been accepted by the Board, would suggest that the whistle-blower's concerns are linked to workplace management issues. I would hope, after having considered all the unredacted documents, that you would conclude the investigation was fair and balanced and that the conclusions reasonable in all the circumstances. If so, then I would urge you to decide that, balancing the rights and concerns of all interested parties, the interests of justice would be best served by the non- publication of the documents, even in a redacted form.

**Providing Support to Health and Social Care**




In my letter of 19<sup>th</sup> instant, I also explained to you the Board's very real concern that if the whistleblower and interviewees were identified publicly by your Inquiry, it would significantly undermine trust and confidence in whistleblowing procedures not just within the Board but throughout the Health and Social Care sector.

On the basis of the above points, (as I have said) the Board would ask you not to circulate the documents contained in the three files, even in redacted form. However if you decide that you ought to circulate the documents, then the Board would request sight of the documents in redacted form, in order that it may consider whether further redactions are necessary to protect staff. You will appreciate that redaction of names alone may be insufficient to protect identification of individuals.

I should be pleased if you would confirm your final position on this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alphy Maginness', written in a cursive style.

ALPHY MAGINNESS  
Chief Legal Adviser

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