

The Inquiry into Hyponatraemia-related Deaths

Chairman: Mr John O'Hara QC

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

Your Ref: GA H99/85

Our Ref: JOH-0471-18

Date: 2 March 2018

Dear Mr Maginness,

Re: REGIONAL HEALTH AND SOCIAL CARE BOARD – WHISTLEBLOWER'S CONCERNS

Thank you for your letter of 26th January 2018 and your suggestion that it would be helpful if I identified my concerns.

So far and amongst other things, I am concerned that in a context where potentially important relevant documents probably existed (and may still exist) and were not made available to the Inquiry despite repeated requests, the concerns raised by the Whistle Blower must deserve particular scrutiny.

(i) The Whistle Blower's central point is that the assurances given in writing to the Inquiry on 14 May 2013 as to the specific role played by A in searching particular information in 2004, were not corrected after A confirmed a change in the very instructions which formed the basis of those assurances (see emails: 12 March 2013 10:58 / 28 August 2013 14:32 / 30 August 2013 10:40 / 30 August 2013 11:46). The Inquiry was not informed that there had been doubts about who searched for what or that the previous assurances had been incorrectly given.

(ii) Accordingly, the Whistle Blower appears justified in drawing attention to the possibility that "*the inquiry has been misled, misdirected or deliberately misinformed*". (Additionally, I note that the evidence received by the Whistle Blower Investigation Panel suggests that this change in relevant evidence was drawn to the attention of the DLS.)

(iii) Doubts then appear to have emerged within WHSSB as to the actual extent of the searches conducted in 2004 (see email 2 September 2013 11:38). These were not brought to the attention of the Inquiry. If all this information had been given to the inquiry it is inevitable that questions would have been asked about the information and assurances supplied and whether adequate searches had been conducted at all.

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(iv) It would therefore appear that the Whistle Blower is justified in drawing attention to the question of "*whether adequate searches were conducted, and by whom, in 2004*".

I consider it reasonable at this stage to characterise the Whistle Blower's concerns as legitimate and to have been raised in the public interest. Accordingly, I am very troubled that the Whistle Blower Investigation Report should have found as it did and to have neither addressed these specific concerns nor the evidence relevant to them.

I would ask for a detailed response to these issues on or before Monday 12th March.

It is my intention to make this letter available on the Inquiry website. At this stage I will not make public the supporting documentation referred to above. Consideration will be given to this as matters progress.

I will write to you separately regarding documentation which would appear to remain outstanding on foot of the Statutory Notice dated 25th January 2018.

Yours sincerely,

John O'Hara

JOHN O'HARA