

PROTOCOL No.6
DISCLOSURE PROTOCOL

1. Background

- 1.1 The impetus for this Inquiry was a UTV Live Insight documentary 'When Hospitals Kill' shown on 21st October 2004.¹ The documentary primarily focused on the death of a toddler called Lucy Crawford (who was subsequently also found to have died in hospital in 2000 as a result of hyponatraemia) and what was presented as significant shortcomings of personnel at the Erne Hospital. In effect the programme alleged a cover-up and it criticized the hospital, the Trust and the Chief Medical Officer. The programme also referred to the deaths of Adam and Raychel in which hyponatraemia had similarly played a part.
- 1.2 The families of the children that are the subject of the Inquiry have each felt that they were not told the truth (or at least the full truth) about why their children died. There has been a high level of distrust by some of the families and some of the medical personnel and the administrators. That issue was dealt with at the very outset by both the Minister and the Chairman assuring the families that the Inquiry would be independent, rigorous and transparent.
- 1.3 The scope of the Inquiry's work has broadened to include 4 children, spanning 8 years. Accordingly the conduct of the Chief Medical Officer together with medical practitioners and administrators at the following bodies are now within the remit of the Inquiry's investigation:
- (i) Royal Belfast Hospital for Sick Children
 - (ii) Royal Group of Hospitals Trust (now Belfast Health & Social Services Care Trust)
 - (iii) Eastern Health & Social Services Board (now Health & Social Care Board)
 - (iv) Erne Hospital
 - (v) Sperrin Lakeland Trust (now Western Health & Social Care Trust)
 - (vi) Altnagelvin Area Hospital
 - (vii) Altnagelvin Hospital Trust (now Western Health & Social Care Trust)

¹ See DVD of the programme with the accompanying Core Files

- (viii) Western & Social Services Board (now Health & Social Care Board)
 - (ix) Craigavon Area Hospital
 - (x) Craigavon Area Hospitals Group Trust (now Southern Health & Social Care Trust)
 - (xi) Southern Health & Social Services Board (now Health & Social Care Board)
- 1.4 Save for Claire Roberts, the families of the children commenced proceedings relating to the deaths of their children. Some of those actions have since been settled.
- 1.5 To date there have been 2 forms of investigation into the circumstances of the children's deaths, namely an Inquest and a criminal investigation by the Police Service of Northern Ireland ("PSNI") into each death. In addition the General Medical Council ("GMC") is investigating the conduct of a number of doctors involved in Lucy and Raychel's cases. So far the only practitioner against whom the GMC's Professional Conduct Committee has found charges proven is Dr. Jarlath O'Donohoe, Consultant Paediatrician, Erne Hospital, Enniskillen.
- 1.6 As a result of that litigation and those investigations a considerable number of experts have already been involved.
- 1.7 There is therefore a need to ensure that there is transparency and that any past associations (whether personal or professional) and/or any potential conflicts of interest are fully disclosed as soon as they come to light.

2. Disclosure of known Conflict

- 2.1 All members of the Inquiry team as well as all experts engaged by the Inquiry are required to declare to the Inquiry's Solicitor any actual or potential conflicts of interest of which they are aware that arise out of the work that they are engaged to carry out for the Inquiry.
- 2.2 The members of the Inquiry team and the experts are under a continuing duty to declare conflicts of interest to the Inquiry's Solicitor for the duration of their involvement with the Inquiry's work.

3 Record of Conflict

- 3.1 The Inquiry's Solicitor shall maintain a record of all declarations of conflicts of interest and shall keep the Chairman informed of such declarations.

4 Consequences of a Conflict

- 4.1 A declaration of a conflict of interest does not necessarily mean that the person concerned cannot commence work with or continue their involvement in the Inquiry
- 4.2 The consequences of a conflict of interest shall be a matter for the Chairman