

The Inquiry into Hyponatraemia-related Deaths

Chairman: Mr John O'Hara QC

Ms Wendy Beggs
Directorate of Legal Services
2 Franklin Street
BELFAST
BT2 8DQ

Your Ref: NSCB04/1

Our Ref: JOH-0196-12

Date: 27th January 2012

Dear Ms Beggs

Re Report on Review of Renal Transplant Services- Professor John Forsythe

I am writing on this subject to try to draw a line under it. The position is as set out below:

In his first report with Mr Rigg dated June 2011 there is a reference at para 4.5 to the Professor's role in a recent review of transplant services in Northern Ireland commissioned by Mr Dean Sullivan, Director of Commissioning. The short reference states that while the review was carried out many years after Adam's death "some of the comments in the review might be considered to be pertinent".

The second Forsythe/Rigg report dated October 2011 refers back to this issue at page 15 of 28. They say that they understand that the report has now been made public at a board meeting of the relevant health authority. They then go on to explain why some of the comments might be considered to be pertinent. The first reason refers, in effect, to full disclosure on the part of the Professor. The second reason given is:

"there is a section within that report concerning paediatric renal transplantation. This refers to the difficulty of maintaining a super-specialised service every hour of the year for a small number of patients."

These reports were provided to the parties in October 2011.

By letter dated 8 November, which should in fact have been dated 8th December, DLS refused to provide the review to the Inquiry on the basis that it is not relevant and does not fall within the Inquiry's Terms of Reference. This is despite the fact that some of its comments might be regarded as pertinent according to Forsythe/Rigg and despite the fact that they say that it has already been made public. The DLS letter goes on to express concern about the appointment of Professor Forsythe as an independent expert witness and his ability to act as such. Regrettably this point was left hanging without being developed in any way. It is also a point which was not taken up when his reports with Mr Rigg were shared in October 2011.

It turns out on further enquiry that the review has been discussed at not one but two public meetings. Those were the meetings of the Health & Social Care Board at Omagh on 31st March 2011 and the Board of Belfast Health & Social Care Trust on 7th April 2011.

Secretary: Bernie Conlon

Arthur House, 41 Arthur Street, Belfast, BT1 4GB

Email: inquiry@ihrdni.org **Website:** www.ihrdni.org **Tel:** 028 9044 6340 **Fax:** 028 9044 6341

In light of the DLS position I wrote to Professor Forsythe on 16th January 2012.
In his response dated 19th January he states that;

"Keith Rigg and I felt that those central to your Inquiry should be aware of the review that Professor Chris Watson and I had carried out on renal transplant services in Northern Ireland in 2011. This is not because of any central relevance to the Inquiry but for two other reasons. First, the general principle of declaration for the purposes of transparency and secondly because the review contains some details which help set the delivery of a renal transplant service in context."

A request to the Department for a copy of the review resulted in the Inquiry being referred to Mr Sullivan who in turn advised that we return to you.

The end result of these exchanges is a failure to provide to the Inquiry a copy of a review which has some relevance to its work according to an expert witness to the Inquiry. This is despite the fact that the review is already in the public domain through the two public meetings described above and despite the assurances from various public bodies that they would cooperate with the Inquiry.

If the review is not provided by Tuesday 31st January I will hear submissions on the issues at the public hearing in Banbridge on Friday 3rd February.

Yours sincerely,

John O'Hara

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