

Our Ref: NB/BE/R0298.002
Your Ref:

17 December 2012

Ms Anne Dillon
Solicitor to the Inquiry
IHRDNI
Arthur House
41 Arthur Street
Belfast BT1 4GB

Dear Ms Dillon,

Re: Claire Roberts, deceased

We refer to the above and to the evidence of Mr and Mrs Roberts on 13 December 2012.

In view of the contents of that evidence, we feel it appropriate to make the following submission at this stage so that it may be fully tested with tomorrow's witnesses.

The submission is in respect of the evidence given by Mr and Mrs Roberts that in their opinion the entry in Claire's notes made by Dr Sands "encephalitis / encephalopathy" was made at a later date.

Ward Round 22/10/96 by Dr Sands

Dr Sands spoke to Mr & Mrs Roberts for a short period of time (possibly 10 minutes or so), during which time Dr Sands examined Claire and explained to the parents that it was his belief that Claire may be experiencing some type of internal fitting.

There was no discussion by Dr Sands with Mr & Mrs Roberts about any other diagnosis.

The parents had no further discussions with Dr Sands that day or at any time thereafter (until after Claire's death.)

If one examines the medical notes of Claire and ignores Dr Sands' entry relating to encephalitis / encephalopathy, the following appears:

- (a) Why does this entry (if made at the time Dr Sands says he made it) not appear at the end of the ward round note after "Diazepam", since it was Dr Webb who advised Dr Sands that Diazepam should be administered and, according to Dr Sands, it was Dr Webb who suggested the differential diagnosis should include encephalopathy.

- (b) Dr Webb is the next Doctor, according to the notes, who sees Claire at 2pm (according to his evidence) but Dr Webb makes no mention in his 2pm note of encephalitis. If encephalitis was a working diagnosis why does Dr Webb not mention it?
- (c) The next entry in the notes is 2.30pm made by Dr Stevenson. He mentions that Claire is still in status but does not mention encephalitis / encephalopathy. If this entry is in the notes at 2.30pm why does Dr Stevenson not refer to it? We submit that the answer could be that Dr Stevenson is working on the previous entry in the ward round notes, which is "*non-fitting status*" as at that time the words "encephalitis/encephalopathy were not in the notes.
- (d) Dr Webb sees Claire at 5pm but does not mention the diagnosis of encephalitis. He does discount meningoencephalitis. His plan is a 48 hour plan (which suggests that Dr Webb does not believe Claire to be seriously ill) and such a plan is not consistent with a working diagnosis of encephalitis.
- (e) If Dr Sands believed Claire had a brain infection after speaking to Dr Webb, why does he not provide any treatment specific to this?
- (f) At 4am on 23/10/96 Dr Steen looks through the medical notes but makes no mention of encephalitis. If such an entry were in the notes why does she not refer to it as it would support her view that Claire died of a brain infection?
- (g) At 4.40am on 23/10/96 there is an entry by Dr Webb in the notes; he does not mention encephalitis / encephalopathy. If this entry was in the notes, why does he not refer to it?
- (h) Further, at 7.10am on 23/10/96 Dr McKaigue makes no mention of "*encephalitis*".
- (i) Nursing notes: 8am to 2pm there is no mention of encephalitis / encephalopathy yet there is mention of "*status epilepticus non fitting*" in the context of "*seen by Dr Sands*".


Nursing Notes: midday to 8pm: Refers to Claire being seen by Dr Webb, "*still status epilepticus*". There is no mention of encephalitis / encephalopathy.
- (j) Nursing Care Plan. There is no reference to encephalitis / encephalopathy at all.
- (k) Dr Steen's statement to the Inquiry (WS143/1 Page 18, Q21A) she answers, "*This is unsigned I do not recognise the writing*" (This is Dr Sands' addition).

In answer to question B, she says, *"This is unsigned and not dated, so I do not know who or when this note was made."*

However, Dr Steen told the Coroner, under oath, that Dr Sands had added a differential diagnosis of encephalitis/encephalopathy (096/004/022911 - Also in transcript 17/10/2011 Page 44 / Line 24).

So Dr Steen told the Coroner that Dr Sands had added a differential diagnosis, yet in answer to B above, she says she does not know who did this, is this is not inconsistent?

Yours faithfully

A handwritten signature in black ink, appearing to read 'Nigel Gunn'. The signature is fluid and cursive, with a large 'N' and 'G'.

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