

Witness Statement Ref. No. 176/4

NAME OF CHILD: Claire Roberts

Name: Anthony Peter Walby

Title: Mr

Present position and institution:

Retired

Previous position and institution:

[As at the time of the child's death]

Consultant ENT Surgeon – Royal Group of Hospitals Trust

Associate Medical Director; Litigation Management Office – Royal Group of Hospitals Trust

Membership of Advisory Panels and Committees:

[Identify by date and title all of those between January 1995-December 2004]

Previous Statements, Depositions and Reports:

[Identify by date and title all those made in relation to the child's death]

6.9.12 – WS176/1

21.11.12 – WS176/2

6.12.13 – WS176/3

31.5.13 – WS341/1

20.8.13 – WS341/2

18.10.13 –

OFFICIAL USE:

List of previous statement, depositions and reports attached:

Ref:	Date:	

Other points you wish to make including additions to any previous Statements, Depositions and or Reports

I am grateful to the Chairman for allowing me to report what I believe are important omissions in the evidence in the final week's transcript of the Inquiry.

My suggested amendment to Dr. Webb's witness statement for the Claire Roberts' Inquest was again the subject of the Oral Hearing on 11th November 2013 during the evidence of Mr. Peter Walsh of AvMA. I am concerned that the Chairman's portrayal of events to this speaker was not in accordance with the facts when he then asked Mr. Walsh for comments.

On page 49 lines 11-22 the Chairman told Mr. Walsh that Dr. Webb had written "that he regretted... he had not referred Claire to the paediatric intensive care unit...", and that I had suggested "... that he might remove that sentence from his Inquest Statement because...". That is not a correct relating of the facts.

Dr. Webb's draft (139-098-021) had stated "I made the mistake of not seeking an Intensive Care placement for Claire before I left the hospital on the evening of October 22nd. However I am not sure whether she would have met the criteria for admission to Paediatric Intensive Care as there was no problem with her airway or breathing at that point and no supportive signs of raised intra-cranial pressure such as papilloedema, hypertension or bradycardia."

My suggested amendment (139-098-021) was "Although I did not seek an Intensive Care placement for Claire before I left the hospital on the evening of October 22nd, I am not sure whether she would have met the criteria for admission to Paediatric Intensive Care as there was no problem with her airway or breathing at that point and no supportive signs of raised intra-cranial pressure such as papilloedema, hypotension or bradycardia."

I am concerned that the Chairman had not given the complete facts when he asked the speaker to comment on this matter. Mr. Walsh in his general response referred to "...your employer is very strongly telling you to do something different" (page 50 lines 21-23). That was clearly not the case in this situation. I made the suggestion once for the reasons I have previously stated (WS176/3). Whilst I advised Dr. Webb to remove the phrase "I made the mistake" I believe that my suggested alteration still fulfilled the requirement of the Chairman that the witness Dr. Webb indicate that "he might have done more" (page 50 lines 8-9).

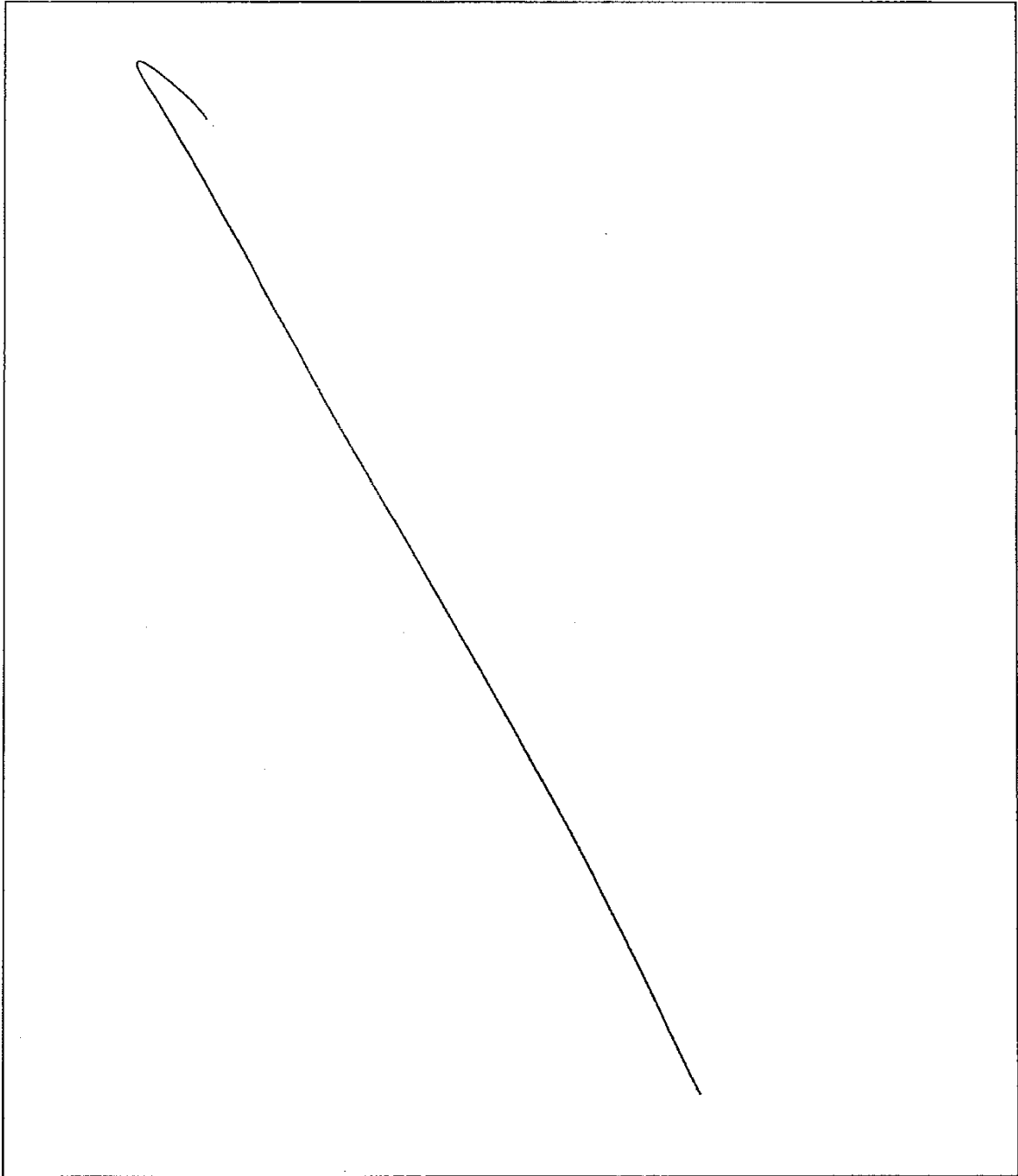
On 15th November 2013 at the Oral Hearing with speakers Mr. McCormick, Dr. McBride and Ms. McArdle the Chairman again stated that it was suggested (by me) that "...he (Dr. Webb) should remove that sentence (containing his regrets that he had not referred Claire to the paediatric intensive care unit before he finished his duties on a particular evening) from his witness statement." and that "...he shouldn't express a view or express regret in that way." (page 77 lines 22-25 and page 78 lines 1-6). I maintain that my suggested rewording which the Chairman did not quote shows I wished the subject to be aired at the Inquest, and the speakers are left to give their responses having the impression I had asked the witness to leave out material evidence. This was not the case.

I wish to ensure that the Chairman when he stated "I have to make a decision on this..." (11th November 2013 page 50 lines 3-4) that he refers back to the original written evidence (139-098-021), my evidence (WS176/3 and oral evidence on 12th December 2012 page 130 line 12 to page 140 line 13), his previous intervention during Dr. McBride's evidence on 17th December 2012 (page 215 lines 24-25 and 216 lines 1-9), and does not become unduly influenced by the general response of any other witnesses/speakers

who had not been given the full facts.

The Chairman on 15th November 2013 at page 81 lines 13-25 and page 82 lines 1-4 states that Mr. Walby "...gave evidence that in effect, as he left Claire's inquest, in light of what he'd heard, he took the view that if the Roberts sued, it would be a case for admitting liability and getting the case settled." I agree with this but the Chairman failed to advise the speakers that I was aware from the Inquest evidence I had heard that the Roberts would be making a complaint, that I spoke to them at the close of the Inquest in that regard, and that I reported the matter to the Trust Complaints Department the following day in order for it to take that forward (139-161-001). I fully expected the awareness by the Trust that there had been failing in Claire's care would be explored in that forum and I still believe it would have been inappropriate in my role to have become involved in explanations to the Roberts at the close of the Inquest. I was naturally surprised when the Roberts failed to make a complaint to the Chief Executive as I had advised them. I believe I was quite candid and open when I revealed my 2006 thoughts in my evidence at the Inquiry Hearing on 11th December 2012 (pages 167-168) from a time when there required to be a separation of Complaints and Litigation processes.

Dr. McBride in his response to the Chairman while agreeing that candour and openness are vital is not reminded by the Chairman of this complete picture.



THIS STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF

Signed: *A.P. Weisberg*

Dated: *28th November 2013*