1 2	(10.00 am) Wednesday, 9 October 2024	1 2	Q. I start by introducing you. Following
2	(10.00 am)	2	a period of university and formal training, did you
3	(Proceedings delayed)	3	qualify as a clinical scientist in 2008?
4	(10.05 am)	4	A. I did, yes.
5	LADY JUSTICE THIRLWALL: Good morning, everyone,	5	Q. And did you take up the role of principal
6	I'm sorry for the slightly delayed start. There's been	6	clinical scientist at that time?
7	a slight rearrangement of the witness order, which I'll	7	A. I took up the role of senior in 2008 and then
8	leave Mr De La Poer to tell you about.	8	principal in 2011.
9	MR DE LA POER: My Lady, thank you. Yes, in	9	Q. Thank you. Along the way to becoming the
10	a change to what was published, our first witness today	10	principal clinical scientist, did you obtain membership
11	will be Dr Anna Milan, please.	11	of the Royal College of Pathologists in 2009?
12	DR ANNA MILAN (sworn)	12	A. I did. It's in two parts, so I completed the
13	Questions by MR DE LA POER	13	full fellowship by 2011.
14	LADY JUSTICE THIRLWALL: Do sit down, Anna Milan.	14	Q. Thank you. Then, as you've have told us, you
15	Mr De La Poer.	15	took up the position of Principal Clinical Scientist in
16	MR DE LA POER: Please could you give us your full	16	2011 and to bring us up to date, in 2017, did you get
17	name.	17	appointed to the role of Consultant Clinical Scientist?
18	A. Anna Margaret Milan.	18	A. I did, yes, at Liverpool.
19	Q. And, Dr Milan, can you confirm for us, please,	19	Q. And all of these posts that we've discussed,
20	that on 15 May of this year you provided the Inquiry	20	were they at the Liverpool Clinical Laboratories?
21	with a witness statement?	21	A. They are, yes.
22	A. I did, yes.	22	Q. And the Liverpool Clinical Laboratories form
23	Q. And are the contents of that witness statement	23	part of the Liverpool University Hospital NHS Foundation
24	true to the best of your knowledge and belief?	24	Trust; is that correct?
25	A. They are, yes. 1	25	A. They do. They do. 2
1	Q. And so that we are clear, you are a doctor of	4	an blood from other boonitals?
2	Q. And so that we are clear, you are a doctor of biochemistry rather than a medical doctor; is that	1 2	on blood from other hospitals? A. Yes. So we're a large referral centre, so we
2	right?	2	get we get all the Liverpool work but we also take
4	A. That's correct, yes, via PhD.	4	referral work in from all across the UK.
5	Q. Now, in 2015/2016, as you've told us, you were	5	Q. And was there an agreement at the time with
6	a principal clinical scientist. Were you one of three?	6	the Countess of Chester Hospital that certain blood
7	A. I was, yes.	7	testing would be referred to you but for their benefit?
, 8	Q. Also within your team, did you have anybody	8	A. Yes, so every hospital has the choice of where
9	above you?	9	they want to refer work, but Chester chose to send any
10	A. Yes, there was a Consultant above who's	10	tests that they didn't offer to Liverpool.
11	clinical lead.	10	Q. Is it your understanding that a test
12	Q. And below you?	12	identifying the level of insulin and C-peptide was one
13	 A. Yes, so previous bands similar to what I'd 	12	of the tests that was referred to Liverpool?
14	been, so there's more senior clinical scientists below	13	A. That's correct, yes.
15	and then trainees.	15	Q. Just help us to understand that test. We
16	Q. And together were you a team of 13?	16	don't need to go deep into the science here but is there
17	A. We were, yes.	10	something particularly complex or time-consuming about
18	-	18	
10 19			that test that means that a district hospital wouldn't
	Child F, and we'll begin, please, by bringing up on	19	be the obvious place to do it and a large centre like
20 21	screen INQ0000861. That's a screenshot that you're	20	yours would be?
21 22	familiar with, I believe.	21	A. It's not a frequently requested test, so
22	A. It is, yes.	22	people tend to work with efficiency, so as a referral
23	Q. Let's just introduce some of the elements of	23	centre we would offer the assay and then smaller
24 25	this. Was it your role and that of your colleagues at	24	laboratories would send the work into ourselves. We
25	the Liverpool Clinical Laboratories to undertake testing	25	don't get a large workload. We're largely an adult

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hospital. There is in Liverpool Alder Hey, so they 1 2 would offer paediatric service to the Liverpool region. 3 So it was -- it's run on a -- on an ad hoc basis, or it 4 was 5 And in terms of a request to test both the Q. 6 insulin level and the C-peptide level in the blood, 7 which was the part of the request that Liverpool 8 received, for Child F, what would you be expecting 9 a clinician to want to learn from that test? 10 So there's always -- any test that's requested Α. there should always be a benefit to the patient. So 11 if -- as we know, this child was hypoglycaemia or 12 hypoglycaemic they want to try and investigate the cause 13 of it, so performing a C-peptide and insulin is one of 14 the differentials to help understand the mechanism for 15 16 that hypoglycaemia. 17 Q. So you would expect that that test would be requested when a child was hypoglycaemic? 18 19 Α. Yes 20 LADY JUSTICE THIRLWALL: Just can you explain what 21 that means. 22 Α. Yes, sorry. So that's a low glucose, so 23 glucose below the reference range. 24 MR DE LA POER: Sometimes referred to as low blood 25 sugar --5 1 Α. Yes. 2 And then we have some further dates, C-peptide Q. 3 at 6 August 16.15 and insulin at 6 August at 16.15. 4 What are those dates references to, please? 5 Α. So those are when we receive that sample at 6 Liverpool. So the sample would have been sent from the 7 Chester laboratory to ourselves and because it was 8 collected probably at the end of the day, they wouldn't have sent that over unless it was an urgent request 9 until the next day. So we received it on the 6th in the 10 afternoon. 11 So within approximately 24 hours of the sample 12 Q. being taken from the patient, it's in your hands at the 13 14 Liverpool laboratory? 15 Α. It is, yes. 16 Q. And is, therefore, available to be tested by 17 you? 18 Yes. I mean, we -- we -- at the time in Α. Liverpool we ran these in batches, so this would have 19 20 been frozen until analysis unless it had been requested 21 as an urgent. 22 Q. And having looked at the records, have you 23 seen any evidence that this particular sample was 24 requested as urgent? 25 Α. It wasn't, no.

7

A. Yes.

Q. -- in ordinary life.

A. In ordinary life.

Q. So you wouldn't expect that request to be made

if a child or patient had high blood sugar or was

6 hyperglycaemic?

- A. Generally it's not in a child.
- **Q.** And so the starting point is that you as the
- 9 laboratory will be working on the assumption that the
- 10 patient is likely to have been hypoglycaemic at the time
- 11 that the test was requested and the blood taken?
- 12 A. Yes, we would never assume. We would always
- 13 try and hope that there's clinical details provided with
- 14 the test, and obviously with it being a referral test
- 15 we'd hope that that would cascade through the local
- 16 laboratory to be passed through to us.
- 17 **Q.** Of course. Perhaps assumption but that would
- 18 be your working hypothesis?
- A. Yes.
 Q. Obvi
 - **Q.** Obviously requiring to be checked before any
- 21 proper interpretation is made?
- 22 A. Absolutely, yes.
 - **Q.** And here, if we look at this screenshot, we
- 24 can see at the top that it was -- top left-hand
- 25 corner -- collected on 5 August 2017 at 17.56?
- Q. So if we move to the detail of this, we can
 see that next to C-peptide there's a value, and next to
 insulin there's a value?
 A. Yes.
 Q. Can you just talk us through, please, what
 those two values signify?

7 A. Yes. So for the C-peptide, the units haven't
8 appeared on this screen but it was undetectable, so the
9 bottom of our measuring range, so the lowest we could
10 accurately report, was 169, so this was below that and

- 11 that's in picomoles per litre, that's the units for
- 12 C-peptide. So it could have been 165, it could have
- been zero. We could not quantitate below that level atthat time.
- 15 For the insulin it's reported in two units, so the
- 16 one that the arrow is pointing to is -- or the first
- 17 arrow, sorry, is the milli-international units. And
- 18 then the second one with the SI is the picomoles per
- 19 litre units. And it's the picomoles that's used with
- 20 the C-peptide to look at the ratio of appropriateness.
- 21 Q. So the --

22

24

- So it's a very high insulin -- sorry,
- 23 I interrupted you there.
 - Q. Not at all, it's your evidence so tell us --
 - A. Yes, so it's a very high insulin of 4,657 8

picomoles per litre and undetectable C-peptide. 1 2 Q. Now, if we have a look at another screenshot 3 that we have, INQ0000862. We'll just speak to the other 4 end of the process in Liverpool. 5 Yes. Α. 6 Q. That -- that records the sample arriving and 7 the times and the dates. Obviously it records the results. Presumably they're populated into that screen 8 9 once they become available? 10 Α. Yes. Q. And do we know from this screenshot that we're 11 looking at on screen that they became available to the 12 Liverpool laboratory on the 12th; is that right? 13 That's correct, yes, so we didn't analyse them 14 Α. the day we received them. They were analysed on 15 16 12 August. 17 Q. Just help us with the time frame there. Some people may be thinking that feels like quite a long time 18 19 for an important or potentially important blood result. Was that in accordance with the agreement that you had 20 21 at the time? Did this result take longer than you would 22 have expected? Was this fast for what you were doing at 23 the time? Help us, please. 24 Yes, so for a routine request this was Α. 25 appropriate. So we used to run these -- we used to be 9 1 potential significance is of having a very high level of 2 insulin and an undetectable level of C-peptide? 3 Α. So when insulin's formed in the body it's 4 formed from a precursor, so it's a molecule that 5 contains insulin but it's got parts of it that stop it 6 being reactive. So once it's cleaved in the body you 7 get one C-peptide and one insulin. 8 So in health it's equamolarly produced, so equal 9 portions, and insulin has a very short half-life, whereas C-peptide has a longer half-life, so it hangs 10 11 around for longer. 12 If the normal ratio in health should be that 13 C-peptide to insulin has a ratio of about 10 to 1, 14 sometimes that can be 5 to 1, depending on metabolism. In this case it was the other way round. So insulin is 15 extremely high with an undetectable C-peptide. So that 16 17 points to the fact that this wasn't produced by the body and so the primary differential is exogenous insulin 18 19 administration. 20 Q. When you say primary differential, is that a -- can that be put another way, that your first 21 22 thought will be that it is likely to be? 23 Α. Yes, yes. 24 Q. So just to go back over that so it's absolutely clear, you would expect there to be more 25

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in an older building, it's now knocked down but -- so we 1 2 used to run insulin and C-peptides twice a week. So depending on where the weekend sat, depending on what 3 time samples were received, they would be prepared and 4 run in a batch, and so this was within our appropriate 5 6 time frame for a routine request. 7 If we get urgent requests we can expedite them and 8 run them the day that we get them if requested. 9 Q. And let's just have a look at some of the 10 information that we can see recorded here. Now, the first thing to say is that this wasn't you dealing with 11 this particular entry that was a colleague of yours. 12 13 Α. It was, yes. 14 We know what the results were, we saw those on Q. the previous screen, but the advice/information, which 15 16 is recorded at on 12 August 2015 at 16.40 "Low C-Peptide 17 to insulin" --Α. 18 Yes. 19 Q. -- and then "? Exogenous". 20 (Nods). Α. 21 Q. So now we just need to understand a little bit 22 more about that ratio. 23 Α. Yes. 24 Q. And you're very much the expert in the room on 25 this. So tell us, please, what the significance or 10 1 C-peptide than insulin if the body had produced it 2 naturally? 3 Α. Absolutely, yes. 4 Q. And, as you've told us, this is the reverse. 5 And, of course, as we've established, the working 6 hypothesis to be checked is that this result would only 7 have been -- or only likely to have been requested if 8 the child had low blood sugar, was hypoglycaemic? 9 Α. Yes, and querying what the cause of that could 10 be. 11 And so if we just start to put all of this Q. together in the minds of the informed lab scientist, it 12 is likely, although it needs to be checked, the child 13 14 had low blood sugar --15 Α. Yes. 16 Q. -- hypoglycaemic, and it is likely that they 17 have been administered insulin. 18 Α. Yes. Now, insulin is given to patients who are 19 Q. 20 hyperglycaemic; is that right? 21 That's correct. Α. 22 Q. And the purpose of it is to bring the blood sugar down. 23

- 24 Α. Yes.
- 25 Q. And so does it follow, then, that you would 12

1	not ordinarily expect that a child would be receiving	
2	insulin and be hypoglycaemic or have a low blood sugar?	
3	A. That would be the correct assumption, it	
4	shouldn't be in that situation. Not in an insulin that	
5	level particularly.	
6	Q. And so to the informed lab scientist, does	
7	that give rise to three one of three likely	
8	scenarios, (1) that too much insulin has been	
9	administered, in other words that the child was	
10	originally hyperglycaemic but they've been given such	
11	a lot of insulin that it has made them hypoglycaemic?	
12	A. Yes.	
13	Q. So potentially a medication error, too much	
14	insulin has been given?	
15	A. Yes.	
16	Q. Or the child shouldn't have received insulin	
17	at all and someone has accidentally given them insulin,	
18	in other words perhaps because they thought they were	
19	giving it to that baby when they'd misidentified who	
20	needed it, so also a potential medical error; is that	
21	right?	
22	A. It could be, yes.	
23	Q. Or the third scenario, that somebody has	
24	deliberately given insulin to a child who they knew	
25	didn't need it?	
	13	
1	guidance issued by the Royal College of Pathologists: is	
1 2	guidance issued by the Royal College of Pathologists; is	
2	that right?	
2 3	that right? A. We do, yes.	
2 3 4	that right?A. We do, yes.Q. And is it the position that that guidance at	
2 3 4 5	 that right? A. We do, yes. Q. And is it the position that that guidance at the time, and I think still now, but at the time did not 	
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That could be the case as well, yes. 1 Α. 2 Q. Yes. But in terms of the likely explanations for this, are those the three that will spring to mind? 3 4 Yes. I mean, obviously you wouldn't always Δ err on the side of suspicion, you would think that it's 5 6 been -- they've overshot by giving too much insulin. 7 Q. But that may still be a medical error? 8 Α. Yes. Q. 9 So whilst your mind might not -- within those 10 three possibilities you might be tending towards one just because that's your natural way of thinking about 11 it ---12 13 Α. Yes. 14 -- in the best case it's a potential medical Q. error, and in the worst case it is somebody has tried to 15 16 harm or kill? 17 Α. Potentially, yes. Yes. And is that in fact really what a competent 18 Q. 19 clinical scientist should be thinking when they see 20 results like that? 21 Α. So when you see results -- that's why it 22 warranted a phone call to Chester because -- just to 23 expedite that information to the clinical team. 24 Now, I just want to have a look at that Q. 25 telephone call. Within the lab you operate under 14 1 conversation would go. So obviously this is experienced and knowledgeable professional to experienced and 2 3 knowledgeable professional, so I'm sure they're not 4 speaking in the terms that I am to you, but how would 5 you expect that conversation to go? 6 Α. Yes, so the -- the biochemist that rang this 7 result through, if it had been myself would have been 8 done the same thing. We'd have, first of all, just double-checked that the glucose was low at the time this 9 10 sample was taken. 11 Q. Can I just stop you there. Did you have that information available to you? 12 13 Α. Not -- not when we actually authorised the 14 result, but when we spoke to them we were told they were hypoglycaemic at the time. 15 16 Q. Yes, thank you. 17 So that -- that sort of cements the comment Α. that's been put on there. So we would then say, "Well, 18 actually we are concerned about this result, there is 19 20 a very high insulin with undetectable C-peptide, it suggests there's exogenous insulin present, it's now for 21 22 you guys to discuss it with the clinical team at 23 Chester." And by clinical team I mean the patient --24 the doctors on the wards. 25 Q. And, again, from the colleague who's receiving

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this information, who is, like you, also an expert in 1 2 it, would you expect that they would be thinking with 3 that information the same three possibilities that at 4 best this may be a clinical error, at worst this is 5 somebody trying to harm a patient? 6 Α. Yeah. I mean, like I said, we always err on 7 the side of unsuspicious, so it would have -- it would 8 have just been that they think it's -- it's an error and 9 it needs investigation. 10 Q. You say that you err on the side of not suspicious, but isn't the correct way to look at this 11 that there is a risk and that that risk needs to be 12 13 addressed immediately? 14 Yeah. I mean, the risk is to the child being Α. still hypoglycaemic. Obviously this is quite a few days 15 16 later, so we would hope that they weren't. But it was 17 really just to start investigating the causes of how 18 that had occurred. 19 Well, quite. Because even if too much insulin Q. 20 had been administered and caused the child to enter 21 a hypoglycaemic state, you would still expect there to 22 be a thorough investigation of that because perhaps 23 someone's written the wrong prescription for insulin or perhaps somebody has picked up the wrong level, the 24 25 wrong amount. So there are potentially systemic 17 1 wards. 2 Why would it be for the clinical team to judge Q. 3 whether a further test is required at Guildford as 4 opposed to the biochemist? 5 So generally if a test is going to be Α.

- 6 undertaken there has to be a benefit to the patient. So 7 we wouldn't know at the time of authorising this -- or
- 8 the Chester team might -- what the current clinical
- 9 status was of that patient. So it's important that if
- you're going to undertake a test it has an impact on the 10 11 patient's management.
- 12 Q. And why Guildford?
- So Guildford is a specialist referral lab in 13 Α.
- 14 the UK. It's the only one that does specialist insulin
- testing. And even they don't test for different types 15 of insulin. 16
- 17 But as everybody in the UK measures insulin, we all
- do it by a test called an immunoassay, and there's 18
- obviously been issues suggested around that because it 19
- 20 cannot distinguish between exogenous and endogenous.
- However, with using a C-peptide that helps your 21
- 22 differential, it gives you the robust nature of your
- 23 test to say that it's exogenous. But what we'd want to
- 24 do is eliminate any other potential interference if it
- 25 didn't fit the clinical situation.

19

- problems that need to be addressed, even if the child is 1
- 2 now well.

Yeah, and that should be the response of 3 Α. 4 a team to that result

Now, let's just be very clear about it. The 5 Q. 6 team, who do you mean?

7 Α. Sorry, yes, the team that are looking after that child. 8

9 Q. So are you excluding from that the biochemist 10 at Chester or are they part of the team?

- 11 So from the sort of biochemistry point of view Α.
- obviously we've put an additional comment on there about 12
- further investigations but it's more what is the current 13
- state of that patient and do they need further 14
- investigations. That's where the role of the laboratory 15
- 16 would aim, but most of it is in dissemination of that to
- 17 the clinical team looking after the patient so that they
- 18 can then decide the next coarse of action.
- 19 Well, let's just address the further Q.
- 20 investigation that is proposed:
- 21 "Suggest send sample to Guildford for exogenous 22 insulin. "
- 23 Now, that is advice being given to the biochemist at Chester; is that right?
- 24
- 25 Yes, to pass on to the clinical team on the Α. 18
- 1 Now, if that baby hadn't been hypoglycaemic, then 2 this wouldn't have fit, so it would have to have been 3 further investigated. But as it fitted clinically, 4 whilst we put that comment on there, I don't know of 5 anybody that's actually referred for exogenous insulin 6 testing. And actually Guildford don't do it, they send 7 to Germany. So nobody in UK offers a test which can say 8 this is a certain brand of insulin. So, in other words, looking at the molecule 9 Q. and determining whether it is synthetic or naturally 10 produced? 11 12 Α. Yes. Yeah. 13 Q. And so if this had been you making this call, 14 would you have seen any benefit in sending the sample to Guildford, or for the purpose the benefit of the patient 15 did you have enough information already? 16 17 We had enough information already. So we knew Α. the clinical state. We knew these results provided the 18 cause of the hypoglycaemia, which had resolved at the 19
 - time that the result was telephoned through. So
- additional testing wouldn't have made any difference to 21
- 22 the clinical management of that patient.

- 23 And there was -- you have a quality assurance Q.
- 24 process within your laboratory, which we don't need to
- go into the daily of, but the headline is this, 25

Dr Milan, is this right that you wouldn't -- your 1 2 laboratory wouldn't have phoned through a result that 3 they weren't satisfied was accurate? 4 We wouldn't have even measured the sample if Δ we weren't sure that the analyser was performing 5 6 appropriately that day. And then with the results, we 7 have to double-check that the -- it's a quality control 8 procedure before we even release a result on to 9 an electronic system to be communicated. 10 So let's just have a look at the other end Q. just for your comment. So we're going to look and see 11 how this is recorded on the ward. 12 13 If we go to INQ0000859. We're going to go to page 334, please. Now, it may just be my eyesight but 14 I suspect we need to crop into that a little. 15 16 LADY JUSTICE THIRLWALL: It's a bit of a challenge. 17 MR DE LA POER: So 334. That was what I was expecting. Thank you very much indeed. 18 19 So, again, this is something that you have had 20 an opportunity to see in advance of today; is that 21 right? 22 Α. Yeah, only just for this Inquiry. I haven't 23 seen it before that. 24 Q. And, of course, it wouldn't be ordinary 25 practice for you to see the ward notes in Liverpool. 21 1 Q. But there's nothing misleading about that, 2 because anybody interpreting these results can see what 3 the insulin level is, what the C-peptide level is and 4 the fact that it was at an undetectable level --5 Α. Yes 6 Q. -- and so that's not going to lead to any 7 confusion in an informed person, is it? 8 Α. No, and it's actually got an L by it, so it's 9 indicating that it's low, and there is a reference range there for that ratio. It's not come up very clear on 10 this but it does say 5 to 10, which is the ratio that we 11 12 would expect. 13 Q. So, again, to an informed person this is 14 a very low ratio --15 Α. Yes. 16 Q. -- a long way outside of the normal range? 17 Α. (Nods). 18 Now, we'll just, finally, look at what is Q. recorded in the clinical notes, and obviously this is 19 20 two steps removed from your laboratory, but let's just check, from your point of view, using your expertise, 21 22 what's been recorded. The same INQ page 39, please. 23 Again, the system is just catching up. 24 Α. That's okay. 25 Q. Again, you will -- this will be very familiar 23

1 Α. No. 2 Q. And so far as you can tell, let's see if we can interpret these results. If we look towards the 3 4 bottom, we've got results telephoned by Con Lewe --5 Α. Yes 6 Q. -- at 16.49. 7 Α. Yes, so even though it wasn't recorded on the previous screen, my colleague must have phoned it to 8 Dr Emma Lewis who was working at Chester, and she's 9 10 phoned through to the ward then. 11 And if we consider the timings, that phone Q. call is nine minutes after the phone call from your lab 12 to the laboratory at Chester? 13 14 Correct. Α. 15 Q. And just looking at what's recorded on there, 16 are you satisfied that the results obtained by your lab 17 have been accurately captured on that document? 18 Α. Yes, I am, yes. 19 Q. I think the ratio is recorded as 0.0. 20 Yes, it's an IT glitch unfortunately because Α. 21 the insulin -- sorry, because the C-peptide is recorded 22 as less than 169 it doesn't have a number to put into 23 that ratio, so it can't calculate it. So it defaults to zero? 24 Q. 25 Δ. Yes 22 1 to you once it comes up on to screen. They're handwritten medical notes. That appears to be the 2 3 correct page but it's in fact lower down that we want to 4 see, please. 5 There we are. Thank you very much indeed. 6 So, again, just using your expertise, please, 7 Dr Milan, the results that came from your lab, are you 8 satisfied that the person writing these notes has correctly identified the relevant parts of the printout 9 sheet that we just looked at? 10 11 Δ. Yes, I am. They've used the correct form of the insulins, they've used the right SR units value, 12 which is the 4657. They've recorded that as high. The 13 14 C-peptide, even though they've called it insulin C-peptide it should be clear that's just C-peptide as 15 low, and they've put the less than sign in. And then 16 17 the ratio they have got is zero. And I think that's a down arrow of lowness, but it's missing half an arrow. 18 19 Q. And we've then got "Discussed with Dr ZA", so 20 that's the person making the entry: 21 "Insulin high. C-peptide low. Unusual for 22 hypoglycaemia." 23 Again, a correct interpretation of the results? 24 Α. Yes, and obviously they will know on the ward

- 25 whether they've been given insulin or not. So the fact
 - 24

2

3

4

that they've put "unusual for hypoglycaemia" would infer 1 2 that they didn't give them insulin. 3 Thank you. We can take that down. We're Q. 4 going to just pause now and consider the responsibility 5 of everybody in this chain of events. 6 Accepting entirely that the clinicians have a very 7 big responsibility in this situation, not least because 8 they have access to the notes, they were the ones who 9 commissioned the test, and they are the ones who 10 ultimately can check whether insulin was prescribed, and if so whether the correct amount of insulin was 11 prescribed. 12 13 Α. Yes. But if we take a step before that, looking at 14 Q. the role of the in-house laboratory, your colleagues 15 16 there will have a very high level of expertise in the 17 interpretation of such results, won't they? 18 Α. They should do, yes. I mean, they've done the 19 same exams, which is as part of your professional 20 examination you look at all anolytes, even tests that 21 you don't offer routinely. 22 Q. And, again, they will have their own 23 protocols, and I'm sure you will feel a little uncomfortable commenting upon what another organisation 24 25 should do, but I'm here looking at the professional 25 1 responsibility of the professional person in the 2 in-house lab communicating to the ward? 3 Α. It's the whole chain. It's our responsibility 4 to make sure Chester get that from ourselves and then 5 it's the closing the loop then back to the clinical team 6 from the Chester laboratory. 7 Q. Because, do you agree, this is potentially 8 a safeguarding issue? 9 Safeguarding, yes, but obviously that's a very Α. much a clinical decision because we don't have the 10 information available. For us it's a blood test, it's 11 12 a clinical case, but for them they have all the details. 13 So if you were on the ward with those results that is --14 that would be considered a safeguarding issue, yes. 15 While you say you don't have all the details, Q. safeguarding, do you agree, is premised on the idea that 16 if there may be a risk, action is required? 17 18 It is, but obviously we don't have all the Α. information to determine that full risk, and that risk 19 20 does rest with the clinical team. 21 Do you think back in 2015, when dealing with Q. 22 results of this nature, that because of that 23 safeguarding risk, there needed to be greater resilience 24 built into this chain of communication to make sure that action and investigation occurred? 25

27

responsibility of someone like you. 1

Α. Yes. Q.

How important is it that the person who is speaking to the ward makes absolutely clear that it is

likely that there is some kind of medical problem here

5 6 with these results? 7 Α. I mean, that's vital. I mean, the reason we 8 rang it was to try and emphasise that, and so the 9 message has been translated because we can see that it's 10 gone -- transcribed through to the notes, so it's very important that that message is narrated to the clinical 11 team via that liaison with Chester. 12 13 And this isn't a very common state of affairs, Q. 14 is it --15 Α. No. 16 Q. -- that a hypoglycaemic child will have very 17 high insulin and very low C-peptide? Α. 18 Very uncommon. 19 And so from the point of view of alarm bells, Q. 20 red flags, whatever you want to -- that should stick with the person as being, "I really need to make sure 21 22 that this is communicated, taken seriously and acted 23 upon"? 24 Α. Yes. 25 Q. And you would agree that that is the 26 1 Α. I think at the time, once we'd analysed the result, that chain was fast. We could have measured it 2 3 sooner, we could have been informed that it was urgent, 4 and we could have closed that front end of that, so that 5 result actually may have directly impacted on patient 6 care. 7 Q. But I'm talking about systemic resilience, 8 obviously that's an important part, how quickly it 9 happens, but once you are seized with the knowledge --

10 Α. Yes Q. 11 -- isn't it of vital importance that at every stage every person understands their responsibility and 12 13 that action does result at the end?

14 Α. Absolutely. That's why we have an audit 15 trail.

16 Q. And for that -- I just want to invite you to

17 consider something, it's again distant from your

position by at lowest one step, but do you think that 18

results of that potential significance need to be 19

communicated to the Consultant as opposed to a junior 20

doctor? Do you think that level of resilience is 21

22 required so that there is a in-person conversation

23 between the person with the greatest knowledge and

24 expertise on the ward as opposed to potentially being

passed via junior doctors? Do you have a view on that? 25 28

(7) Pages 25 - 28

Α. It's very difficult because we obviously 1 2 telephone an awful lot of abnormal and critical results 3 routinely to wards. You'll find that the staff that are 4 the most busy are unable to take those calls because it 5 might mean them leaving a situation where they're more 6 required. So we never have a requirement that we have 7 to speak to the most senior person on the ward. It's 8 just to make sure that you have given that to somebody 9 that clinically understands it. 10 What about another way of building resilience Q. in, which is that an email goes to the Lead Clinician as 11 well, that they can look at in slower time to make sure 12 that they are checking in with their colleagues to make 13 sure that they haven't overlooked it, because, from what 14 you've told us, there's no two ways about it, this is 15 16 a highly significant result? 17 Α. Yes. With emails I think there's always a degree of difficulty with that because you've got no 18 19 feedback on whether that's actually been acknowledged or 20 read, so an email can sit unread in somebody's inbox. 21 So, again, that wouldn't be our primary route of 22 communication. 23 Q. No, I wasn't suggesting it replaces the telephone call, it's just about -- we know, and there's 24 25 been a candid recognition of this, that the Consultant 29 1 screen here. 2 Α. Yes. 3 Q. We can interpret this relatively speedily. 4 Collected on 9 April from Child L, received by your 5 laboratory 11 April. So this time two days rather than 6 one but --7 Α. Yes. 8 Q. -- presumably that just depends on the post 9 and --They're transported by vehicle, samples are to 10 Α. us, especially for an insulin C-peptide because they 11 have to be sent chilled. So it would have been stored 12 13 and processed appropriately and then sent when the next 14 transport. 15 Now, here, am I right, you tell me, we have Q. a C-peptide level that is detectable? 16 17 Yes. So it's 264 picomoles per litre. So it Α. is above the bottom of that detectable limit. 18 But is that a low C-peptide level? 19 Q. 20 Α. So it's always about whether it's appropriate for the insulin level. So on its own in isolation in 21 22 this case you wouldn't be able to interpret it, but in 23 line with that insulin it's inappropriately low again. 24 Q. Yes. And the insulin figure we're here focusing on is the lower one, the 1,099; is that right? 25 31

who looked at it, I'm paraphrasing here, considered 1 whether or not that had been deliberately administered 2 and dismissed it as being unthinkable. 3 4 Δ. (Nods). 5 Q. An error, as she candidly accepted. But what 6 we're looking here is at systemic issues and whether we 7 can build in a situation where that doesn't happen again, and really I'm just seeking your views on --8 9 Yeah, I think now obviously IT has really Α. 10 supported laboratory medicine and patients because we do have electronic patient records now. So we don't have 11 paper notes, so it can be recorded and it's always there 12 as a memory so that you can click on results and see 13 them. So I would say that's the best mechanism that 14 it's kept in electronic patient record. 15 16 Q. Have you yourself ever had to phone through 17 a result like this? 18 Α. Not an insulin C-peptide, but obviously day in 19 day out, as part of our role, we do phone abnormal 20 results to critical units. 21 Q. Do you think that it is sufficiently abnormal 22 for somebody in your position that such a telephone call 23 would stick with you? 24 Α. Yes 25 Q. Child L, please. INQ0001175. So a familiar 30 1 Α. It is. 2 And, again, you are expecting that top number Q. 3 to be 5 or 10 times bigger than that bottom number? 4 Α. Absolutely, yes. 5 Q. So, I hope I get the maths right, 5,000 or 10,000? 6 7 Α. Yes. 8 Q. Now, we have a note at the bottom of this 9 screen: 10 "Difficult to interpret without concurrent 11 glucose." 12 Is that simply because in your lab you didn't have 13 the glucose? 14 Α. Yes. So we never undertake the glucose 15 analysis. That would have been done -- and it could have been done via various mechanisms. They use point 16 17 of care glucose, which is where you do it on a heel prick on the ward or a lab-based glucose, and we didn't 18 19 have evidence of either of those with this request. 20 Q. But just putting yourself in the minds of the clinicians and why they would ask for such a test --21 22 again, this is the working hypothesis --23 Α. Yes. 24 Q. -- you would have expected them to have done

- 25 that heel prick test, discovered the child was
 - 32

1	hypoglyca	aemic and requested the test, that's the	
2	ordinary s	sequence of events?	
3	Α.	Yes, absolutely. I mean, the the only way	
4	to be able	e to interpret this is if it was taken at the	
5	time of hy	/poglycaemia. But, again, we don't assume. We	
6		to see the result to make that a definitive	
7	interpreta		
8	Q.	And are you you're satisfied, then, that if	
9		was hypoglycaemic then the results were	
10	inappropr		
11	A .	Correct.	
12	Q.	And did you have any involvement in	
13		ng this result through?	
14	A .	No, this was one of my colleagues again.	
15	Q.	But, again, this was a result that you've	
16		the records and you're satisfied that it was	
17		cated the same day?	
18	A .	Yes.	
19	Q.	So although the ratio is slightly different,	
20		before, stepping outside of the ordinary	
20 21		of just putting it in the post, sending it back	
22	•	This is abnormal"?	
22	Saying, 1 A .	Yes.	
23 24	Q.	And would you expect a similar conversation to	
24 25		nat you've told us about from your colleague to	
1 2	A. Q.	Yes. for C-peptide, which you've told us is	
2	longer	Iol C-peptide, which you ve told us is	
4	A.	Yes.	
4 5	д. Q.	and so you would expect there to be some	
6 7		e still in the system Yes.	
	A.		
8 9	Q. test?	even if not produced at the time of the	
9 10	A.	Yes.	
10			
	Q.	Dr Milan, I just wanted to ask you about now,	
12	• •	nd the future.	
13		I tell us in your witness statement that the new	
14 15		are now giving you a real-time opportunity.	
15		just tell us what that what that means in	
16		anguage?	
17	A .	Yes. So I mean, our old facilities we'd	
18	•	them, which is why some assays were kept and	
19		e. But now we've got a purpose-built	
20		y. Every sample is run in real-time that comes	
21		s, for example like insulin and C-peptide.	
22		on as we get a sample it will be through the lab	
23		e day and a result available either at the end	
24 05		y or the first thing the next morning. So we	
25	nave impl	roved process for turnaround time.	

35

the biochemist at the Countess of Chester? 1 2 Α. Yes, I would. Q. "Tell me what the -- the glucose level is"; 3 4 right? Therefore -- yeah, "Therefore, this is our 5 Α. 6 interpretation", and they would then communicate that to 7 the ward Well, we're going to hear from the scientist 8 Q. who dealt with this call potentially later today or next 9 10 week. But just help us, if the child was slightly above the hypoglycaemic range, would this result still be 11 a cause for concern? 12 13 Just because of the -- the reversal of that Α. 14 ratio, yes, it would. 15 Q. So it doesn't need to be bang within the 16 hypoglycaemic range for you to look at those numbers as 17 a professional and say, as before, someone's -- may have given them too much, someone may have given them insulin 18 19 when they didn't need it, or someone may have 20 deliberately administered insulin to harm them? 21 Α. Yes, and the fact that there's a detectable 22 C-peptide means at some stage that child has made its 23 own insulin because the C-peptide will be there for 24 longer than insulin. 25 Q. So this is the residual half-life --34 1 We have also brought in a process where Chester now 2 send us the glucose result on the request so that we can 3 make sure that our interpretation is appropriate on any 4 additional insulin C-peptide requests. 5 Q. So when you say "on request", does that mean 6 that they tell you what the result is when they ask for 7 the test or do you have to go back to them? 8 Α. They actually -- I mean it's old-fashioned but

they write it on the request form for us. So we 9 actually enter that in our system, so we've got a full 10 profile then to be able to interpret that accordingly. 11 Why do you think, given the potential 12 Q. significance of this, that that -- the old system 13 14 required you only to have two-thirds of the picture and then have to make a phone call to know whether there was 15 a problem? 16 17 I guess sometimes it takes a situation for Α.

- things to improve, and it's always about service 18
- improvement, and that's what we're always striving for. 19
- 20 And I think also, as far as pathology goes, we're
- working as a network now. That had started. It was in 21
- 22 its infancy in 2015/16 but we're working as Cheshire and
- 23 Merseyside now, so ultimately we're all going to be on
- 24 one IT system in the future. We say in the future, it
- could be four/five years off, so we will actually have 25 36

1	full record access across Cheshire and Merseyside, so it	1	medicine you are one step back from the patient, so, you
2	will again improve these processes to make sure	2	know, you don't have that that luxury of being able
3	Q. Will that	3	to perhaps review all of the clinical situations on
4	A. interpretation is appropriate.	4	that. But also, again, I suppose it comes back to
5	Q. Will that allow you to check the ward notes	5	suspicion. We have one we have 3,000 results a day
6	A. Yes.	6	but on that day we had one that's potentially very
7	Q. to see whether or not insulin has been	7	suspicious, so it's putting in processes for one result
8	prescribed?	8	out of 3,000.
9	A. Yes.	9	So it's about adapting to a situation, so maybe.
10	Q. And will your protocol mandate that once you	10	But, again, we don't we didn't have processes in
11	have access to it if you get results similar to this?	11	place for that.
12	A. As part of our training anybody, if they get	12	Q. Was there any discussion within your lab about
13	results like that, will want to put an appropriate	13	the Stepping Hill case?
14	comment, so we'll look for that and actually check the	14	A. Not that I recall, no.
15	records before putting a comment on that.	15	Q. And just looking back on it, bearing in mind
16	Q. You mentioned that it takes a situation like	16	that this is your subject area
17	this to generate change. But we know that a nurse in	17	A. Mm-hm.
18	Stepping Hill used insulin to kill patients, and that	18	Q the potential, albeit extremely rare, use
19	was in 2011, tried and sentenced in 2015, so just	19	of drugs as a weapon, does that seem surprising to you
20	before.	20	that there wasn't training and dissemination of that
21	We know the notorious case of Beverley Allitt who	21	information given to you as a laboratory saying, "Look,
22	used insulin. Do you think that, in 2015, your lab	22	we've had a local" because it wasn't a million miles
23	should have been further ahead with its thinking about	23	away from your lab
24	how to deal with these results, given those cases?	24	A. No.
25	A. I think as a laboratory in laboratory 37	25	Q. "We've a local case of this. It's so 38
1 2	important that we detect this, you all need to be on your guard", does that seem surprising to you now?	1 2	quarter past 11. (10.57 am)
3	A. I mean, hindsight's a wonderful thing and	3	(A short break)
4	lessons learnt, but obviously we we routinely have	4	(11.16 am)
5	overdoses of many different anolytes, not just insulin	5	LADY JUSTICE THIRLWALL: Mr Bershadski.
6	and C-peptide. So we it's about having appropriate	6	MR BERSHADSKI: Good morning, my Lady.
7	processes in place, and, no, we didn't.	7	LADY JUSTICE THIRLWALL: Would you like to come
8	MR DE LA POER: Dr Milan, thank you very much.	8	to the desk, please, and take the oath.
9	Indeed those are my questions, my Lady. There are	9	KATHRYN ANN DE-BERGER (sworn)
	no Rule 10 questions for Dr Milan.	10	LADY JUSTICE THIRLWALL: Do sit down.
10	LADY JUSTICE THIRLWALL: Thank you very much		A. Thank you.
		11	
11	indeed, Mr De La Poer.	11 12	-
11 12	indeed, Mr De La Poer. Dr Milan, thank you very much indeed for coming	12	Questions by MR BERSHADSKI
11 12 13	Dr Milan, thank you very much indeed for coming	12 13	Questions by MR BERSHADSKI MR BERSHADSKI: Good morning.
11 12 13 14	Dr Milan, thank you very much indeed for coming along this morning and for making so much of the science	12 13 14	Questions by MR BERSHADSKI MR BERSHADSKI: Good morning. A. Good morning.
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5	suspicion. We have one we have 3,000 results a day
6	but on that day we had one that's potentially very
7	suspicious, so it's putting in processes for one result
8	out of 3,000.
9	So it's about adapting to a situation, so maybe.
10	But, again, we don't we didn't have processes in
11	place for that.
12	Q. Was there any discussion within your lab about
13	the Stepping Hill case?
14	A. Not that I recall, no.
15	Q. And just looking back on it, bearing in mind
16	that this is your subject area
17	A. Mm-hm.
18	Q. the potential, albeit extremely rare, use
19	of drugs as a weapon, does that seem surprising to you
20	that there wasn't training and dissemination of that
21	information given to you as a laboratory saying, "Look,
22	we've had a local" because it wasn't a million miles
23	away from your lab
24	A . No.
25	Q. "We've a local case of this. It's so
	38
4	
1	quarter past 11.
2	(10.57 am)
3	(A short break)
4	(11.16 am)
5	LADY JUSTICE THIRLWALL: Mr Bershadski.
6	MR BERSHADSKI: Good morning, my Lady.
7	LADY JUSTICE THIRLWALL: Would you like to come up
8	to the desk, please, and take the oath.
9	KATHRYN ANN DE-BERGER (sworn)
10	LADY JUSTICE THIRLWALL: Do sit down.
11	A. Thank you.
12 13	Questions by MR BERSHADSKI MR BERSHADSKI: Good morning.
13	-
14 15	A. Good morning.
15 16	Q. Could you state your full name please?
17	 A. Kathryn Ann De-Beger. A. Is it right that you provided the loguin with
	Q. Is it right that you provided the Inquiry with a statement dated 30 May of this year?
18	, , , , , , , , , , , , , , , , , , ,
19 00	A. That's correct.
20	Q. And are the contents of that statement true
21	and accurate to the best of your knowledge and belief?
22	A. They are.
23	Q. Thank you. Is it right Ms De-Beger that you
24	qualified as a nurse in 1985 and started working as an

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That's correct. 1 Α. 1 any HR policies. We are there to support and give 2 Q. And I think you started working at the 2 3 Countess of Chester Hospital in the occupational health 3 4 nursing field from 2001; is that right? 4 5 Α. I believe it was 2009. 5 6 Q. And were you the occupational health --6 7 Α. 2009, yes. 7 8 And were you the occupational health manager Q. 8 9 from 2010? 9 10 Α. l was 1 Q. Could you just in a few words summarise for us 11 1 what your role as an occupational health nurse involved? 12 1 13 Okay, so occupational health is all about the Α. 1 physical and mental well-being of all employees in the 14 1 workplace, so we're concerned with the individual and 15 1 16 the effects on health. So it's a unique speciality in 1 17 that we don't have any patient contact. We are dealing 1 with members of staff that are employed by the Countess. 18 1 19 So in essence the staff are our patients. 1 20 The role encompasses a variety of different roles, 2 2 I suppose, but one of them is seeing staff that are 21 2 22 being managed under HR policies, management policies. 23 So although occupational health is totally independent 2 24 and impartial, we do sit under HR but we don't have any 24 25 influence on the application or the decision-making of 2 41 (Nods). 1 Α. 1 2 In this case that was Eirian Powell; is that Q. 2 3 right? 3 4 I believe it was. Δ Α. 5 Thank you. And I think it says there: 5 Q. 6 "As I mentioned to you on the phone ..." 6 7 So would that have been a conversation between 7 8 yourself on the phone with Eirian Powell or somebody 8 9 else? g 10 Α. That reason for referral would have been 1 written by Eirian. 11 1 12 Yes. And it goes on to say: Q. 1 "I requested that Lucy come to the Occupational 13 1 14 Health Department for support especially in view of the 1 proposed allegation that will evidently come to light." 15 1 Do you recall what was said to you about "the 16 1 proposed allegation that will evidently come to light" 17 1 at this point? 18 1 No, that would have been all the information 19 Α. 1 20 we received that's written on this referral. But this 2 referral isn't the first time that I would have met 2 21 2 22 Lucy Letby. I met her earlier than when -- this 23 referral. 2 24 Q. Right. So this referral we can see at the top 24 2 25 is dated 30 June --

	advice to	members of staff going through those policies
6	in a very i	independent, impartial manner and
	non-judgr	nental.
;	Q.	Thank you for that, Ms De-Beger. You say in
;	your state	ement that you were first asked to provide some
	support to	> Letby in July 2016; is that right?
;	Α.	That's correct.
)	Q.	Now, if I could ask for a document up on the
0	screen, th	nis is the referral, as I understand it, which
1	your depa	artment would have received, that's 0018046.
2	Tha	nk you. Do you recognise this document,
3	Ms De-Be	eger?
4	Α.	I do recognise that document.
5	Q.	Now, can you just help us, would that document
6	have com	ne in directly to you or to your department more
7	generally	
B	A.	That would have come directly to the
9	departme	•
0	Q.	Would you have read it?
1	Q. A.	I believe I did because I believe that's my
2		the top that says "Nurse appointment".
2 3	winning at Q.	Thank you. We can see under "Reason for
4		now, that presumably would have been
+ 5		d by the person mistaking the referral to you?
5	complete	42
	Α.	Yes.
	Q.	2 well, it says "2916", I think
	presumat	bly that's 30 June 2016. When would you have
	Α.	So
;	Q.	
;		met
	Α.	met So the appointment for this, as you can see,
		So the appointment for this, as you can see,
;	is Thursd	So the appointment for this, as you can see, ay, 21 July.
;) D	is Thursd Q. A.	So the appointment for this, as you can see, ay, 21 July. Yes.
;)) 1	is Thursd Q. A. I can't ren	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well,
	is Thursd Q. A. I can't ren	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, nember without looking at my notes, but
1	is Thursd Q. A. I can't ren I believe i	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, member without looking at my notes, but it was the week before.
1 2	is Thursd Q. A. I can't ren I believe i Q.	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, nember without looking at my notes, but it was the week before. So the week before the appointment?
1 2 3	is Thursd Q. A. I can't rer I believe i Q. A.	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, member without looking at my notes, but it was the week before. So the week before the appointment? Yes.
1 2 3 4	is Thursd Q. A. I can't ren I believe i Q. A. Q. A.	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, member without looking at my notes, but it was the week before. So the week before the appointment? Yes. So after you received this form, presumably?
1 2 3 4 5	is Thursd Q. A. I can't ren I believe i Q. A. Q. A.	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, nember without looking at my notes, but it was the week before. So the week before the appointment? Yes. So after you received this form, presumably? Yes, but I probably wouldn't have known about
1 2 3 4 5 6	is Thursd Q. A. I can't ren I believe i Q. A. Q. A. Q. A. that form	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, member without looking at my notes, but it was the week before. So the week before the appointment? Yes. So after you received this form, presumably? Yes, but I probably wouldn't have known about when I first saw Lucy Letby.
1 2 3 4 5 6 7	is Thursd Q. A. I can't ren I believe i Q. A. Q. A. that form Q. A.	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, member without looking at my notes, but it was the week before. So the week before the appointment? Yes. So after you received this form, presumably? Yes, but I probably wouldn't have known about when I first saw Lucy Letby. Okay.
1 2 3 4 5 6 7 8	is Thursd Q. A. I can't ren I believe i Q. A. Q. A. that form Q. A.	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, member without looking at my notes, but it was the week before. So the week before the appointment? Yes. So after you received this form, presumably? Yes, but I probably wouldn't have known about when I first saw Lucy Letby. Okay. Lucy Letby was brought to the department by
1 2 3 4 5 6 7 8 9	is Thursd Q. A. I can't ren I believe i Q. A. Q. A. that form Q. A. her mana Q.	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, member without looking at my notes, but it was the week before. So the week before the appointment? Yes. So after you received this form, presumably? Yes, but I probably wouldn't have known about when I first saw Lucy Letby. Okay. Lucy Letby was brought to the department by ger, and that was when I first saw her.
1 2 3 4 5 6 7 8 9 0	is Thursd Q. A. I can't ren I believe i Q. A. Q. A. that form Q. A. her mana Q. been give	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, member without looking at my notes, but it was the week before. So the week before the appointment? Yes. So after you received this form, presumably? Yes, but I probably wouldn't have known about when I first saw Lucy Letby. Okay. Lucy Letby was brought to the department by ger, and that was when I first saw her. And do you think at that point you would have
1 2 3 4 5 6 7 8 9 0	is Thursd Q. A. I can't ren I believe i Q. A. Q. A. that form Q. A. her mana Q. been give	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, member without looking at my notes, but it was the week before. So the week before the appointment? Yes. So after you received this form, presumably? Yes, but I probably wouldn't have known about when I first saw Lucy Letby. Okay. Lucy Letby was brought to the department by ger, and that was when I first saw her. And do you think at that point you would have en some information in however broad terms about
1 2 3 4 5 6 7 8 9 0 1 2	is Thursd Q. A. I can't ren I believe i Q. A. Q. A. that form Q. A. her mana Q. been give the propo	So the appointment for this, as you can see, ay, 21 July. Yes. But I saw Lucy Letby, I believe well, member without looking at my notes, but it was the week before. So the week before the appointment? Yes. So after you received this form, presumably? Yes, but I probably wouldn't have known about when I first saw Lucy Letby. Okay. Lucy Letby was brought to the department by ger, and that was when I first saw her. And do you think at that point you would have en some information in however broad terms about

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a proposed allegation that will evidently come to light? vulnerable " 1 1 2 Α. At the appointment I saw her about -- around 2 3 about the 14th or 16th of July I was not told -- I was 3 4 not told what the allegations were, no. 4 5 Okay. So you would have known that there was Q. 5 6 some sort of allegation but not what it was? 6 7 Α. No, I only knew that there was an 7 a regular planned basis. 8 investigation on the neonatal unit and Lucy was on 8 Q. 9 restricted practice and so that's why they brought her 9 10 down to me. 10 11 Q. Okay. If I could, please, turn up another 11 Α. 12 document on the screen, this is 0003174. If we can go Q. 12 to page 30 -- sorry, to page 29 of that, please. You 13 13 can see an email here, on page 29, of 8 July 2016. And 14 14 Α. 15 if we just go over a couple of pages to page 31, towards 15 16 the bottom there, can you see where it says 16 17 "Sue Hodkinson", can you just tell the Inquiry who that 17 18 18 was? Q. 19 Α. Sue Hodkinson was the Executive Director of HR 19 20 and my direct line manager. 20 21 21 Q. Yes. And so it says there: Α. 22 "Sue Hodkinson updated at 1.40 pm Kathryn De-Beger 22 23 and Katie Holstrum have visited the NNU at 12.15 pm 23 Q. today. Team spoken with. Shift leader spoken with. No 24 24 immediate support put in place but team feel 25 25 45 1 that Lucy Letby had been redeployed away from the 1 2 neonatal unit? 2 3 Α. That's correct. 3 4 Q. So would it be fair to say that around 4 5 July 2016 you would have known that the substance of the 5 6 allegation against Lucy Letby was that she was --6 7 somehow may have been related to those deaths? 7 Α. 8 No. The reason I -- I would think that she 8 Α. 9 was moved to a non-clinical role was because there --9 she was having to redo her competencies and there was 10 10 11 the investigation, but no more about accusations around 11 12 12 her being involved, no. 13 Q. So did you make any connection in your mind 13 Q. 14 between the fact that you were visiting the neonatal 14 unit because of deaths and Letby being somebody that you 15 15 were supporting in particular? 16 16 17 Α. Sorry, can you repeat the question? 17 Α. 18 Did you make any connection in your mind at 18 Q. that time between the fact that the neonatal unit needed 19 Q. 19 20 support because of increased deaths and that Letby had 20 21 been redeployed away from that unit? 21 22 A. I would have made the connection that 22 23 Lucy Letby would have been part of the investigation 23 24 that they were looking at, yes. 24 Α. 25 Yes. I'm just picking this up because I think 25 Q. 47

Do you recall visiting the neonatal unit on or

around 8 July 2016?

A. I have no direct recollection of visiting on

this particular day, but Occupational Health did visit

various wards and departments throughout the hospital on

Well, do you recall visiting the neonatal unit

if not on that specific date then around that time of

the summer of 2016?

Yes, I do.

And what was the purpose of your visit to the neonatal unit then?

So, as I said at the beginning, our role was

about the health and well-being of staff, so we would

have gone to do a welfare visit to see how the staff

were managing and coping.

And what was your understanding of why you

were going to see the neonatal unit around that time to

see how the staff were coping?

Because there was an increase in deaths on the unit and that was under investigation.

- Right. So is it fair to say that in around
- July 2016, you would have known both that there was

an increase in neonatal deaths on the neonatal unit and 46

in your statement you suggest at paragraph 10 that it was at some point later after you started providing Letby with support, that you were made aware that the investigation was to do with deaths on the neonatal unit, but I think you're now saying that you would have been aware closer to July 2016, that that was the case? I'm saying that on the very first time I met Lucy Letby on the 14th or 16th of July I was not aware of any connection or that there was an increase in deaths on the unit. But subsequently, later, in my other meetings with her, I was, but I can't pinpoint the time when that might have been. Okay. And is it right that you started from July 2016 visiting the neonatal unit on a weekly basis to provide the staff there with support in light of the increase in deaths? I don't believe it was a weekly basis but it would have been a regular basis, yes. Well, just so -- just so that you have it, can I ask for document 0014604, page 24. Yes, just the previous page.

Do you recall speaking to investigators from the Royal College of Paediatrics, the RCPCH team?

I didn't recall until I was provided with this evidence for the Inquiry.

I think these are typed notes of an interview 1 Q. 2 with you that they held on 1 September. Again, we've 3 got a slightly odd date there, 1 September 2016, and you 4 can see it just says, three lines up from the bottom: 5 "Dropped in to see how staff are. Was two to three 6 times years ..." 7 Presumably that means was two to three times 8 a year: 9 "... after the problems weekly basis." 10 Yeah, that could have been correct at that Α. time but it wouldn't have been correct for a prolonged 11 period of time. There's no way we could have visited 12 the neonatal unit on a weekly basis for the period of 13 time we're talking about. 14 So you would have been visiting the NNU on 15 Q. 16 a weekly basis, what, from July 2016 until at least 17 September 2016; is that right? I haven't got any evidence of that but that 18 Α. 19 could be correct. 20 And did you discuss the increase in deaths of Q. babies on the NNU with staff when you conducted these 21 22 regular visits? 23 Α. No, I didn't. 24 So what were you discussing with them? Q. 25 Δ We were discussing their health and well-being 49 1 Q. Now, would -- would -- this high amount of 2 direct messaging over texts, would that be a normal part 3 of the kind of support you would provide to a staff 4 member? 5 Α. No. it would not. 6 Q. If we look at some of the messages, for 7 example if we start from page 18 of that document that's 8 on screen, please. Towards the top there, there's 9 a discussion of going out shopping in Liverpool. 10 Over the page, on page 19, I think we can see some continued discussions about shopping, about family 11 12 matters, an upcoming wedding. 13 And over the page, on page 20, some discussion 14 about cooking. Would it be usual for you to be having these sorts 15 of discussions about personal extraneous matters with 16 17 a member of staff that you were supporting that was going through an HR process of some sort? 18 No, it wouldn't be normal at all. As I say, 19 Α. 20 I've not been in contact in a WhatsApp group with any other member of staff, but I've not been supporting 21 22 staff in this situation ever before and I felt at the 23 time that I was the only support that Lucy Letby had. 24 I was given that role by the Trust to support her, to support her mental health, to support her well-being 25 51

because that's what occupational health is all about. 1 2 Q. Thank you. If I could just take you to another document, please, 0101342. We've got an extract 3 4 of some of the text messages that you exchanged with 5 Lucy Letby there. 6 Would it be fair to say that there was 7 a significant amount of text message and WhatsApp messaging between you and Letby for the period that you 8 were providing her with support? 9 10 Α. That would be correct. 11 Now, I don't know, I'm sure you haven't Q. counted them up, but I've estimated around 750 messages 12 may have gone between you over the period of around 13 15 months. Does that sound about right? 14 15 That could be right, including all the group Α. 16 messages as well, yes. 17 Q. And that was a WhatsApp group you're referring to, which I think you were a member of along with 18 19 Karen Rees, Hayley Cooper and Lucy Letby; is that right? 20 Α. That's correct. 21 Q. Now, I think you've said in your statement 22 that being part of a WhatsApp group to provide support 23 for a member of staff was not a usual thing for you to 24 do as part of your role; is that right? 25 Α. That's right. 50 1 going through what I thought at the time was a very distressing situation, and it was given to me to support 2 3 her the best that I could and keep her in work, to 4 maintain her mental health during that period, and 5 I felt that fell just on me. 6 So in order to do that, I did that to the best of 7 my ability, and that was why there were so many messages 8 to try and make sure that she was okay. And all the messages can't be about mindfulness and coping 9 strategies to keep her grounded and to keep her in 10 11 moment, it was about normally events as well. 12 Q. If we go to page 24, please, of those

- 13 messages. You say to her -- and I think the green
- 14 message will be one from you; is that right?
- 15 **A.** It will be but, I can't read it on the screen.
- 16 **LADY JUSTICE THIRLWALL:** Neither can I.

17 MR BERSHADSKI: The screens aren't always the best

- 18 quality. I'll read out the relevant bit.
- 19 A. Thank you.
- 20 Q. You say to her:
- 21 "We are supporting all the staff. I was on the
- 22 unit yesterday and will go again Monday but you are my
- 23 priority."
- 24 Why was Letby your priority if you were also tasked
- 25 with supporting all the members of staff on the neonatal 52

unit? 1 2 Α. Because I was the only person that Lucy Letby 3 was seeing. I did have other members of the team that 4 were able to do ward and neonatal unit visits. 5 Q. You did mention before that you were part of 6 a support group along with Karen Rees and Hayley Cooper 7 on WhatsApp. So would it be fair to say that there were -- you weren't the only member of staff who was 8 9 supporting Letby at this time; is that fair? 10 A. That is fair, but in the role that I did I had a very different role to them. So, as you are aware, 11 Hayley Cooper is her Union rep, so she would have 12 advised her on Union matters. Karen Rees was a very 13 senior member of staff who would advise her on other 14 matters, clinical matters maybe. I was the only person, 15 16 in my view, that was supporting her well-being at that 17 time. 18 You would have, presumably most of the time, Q. 19 been seeing Letby as part of regular one-to-one 20 Occupational Health support meetings? 21 Α. (Nods). 22 Q. And they would be -- you would document them 23 in a formal way as part of your work; is that right? 24 Α. That's correct. 25 Q. Why did you also need, in addition to 53 1 a serious allegation has been made against a member of 2 staff; is that right? 3 Α. That is correct. 4 Q. With the benefit of hindsight, what do you 5 think -- and as a senior Occupational Health nurse, what 6 do you think the substance of that guidance should have 7 been for how to manage a member of staff in this 8 situation? 9 I do feel there should be guidance on the --Α. as you're putting it, the amount of time and contact 10 that you have with somebody that's going through this. 11 But at the time, I didn't feel there was any other 12 13 alternative. There was nobody else to share this with. 14 I had no clinical supervision to talk to this -- with anybody. So I was working to the best of my ability, 15 but there is some learning that could be taken from 16 17 this, definitely. 18 I think it's right that you attended one Q. meeting with Letby and her parents where there was 19 20 an argument between Letby and her parents about how to deal with the process that she was under; is that right? 21 22 Α. That's correct. 23 Q. Do you think, again with the benefit of 24 hindsight, that such guidance should prevent you from getting involved with that sort of intra-familial 25

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1 providing that regular support documented, to have this

- 2 extensive informal channel of communication with her, do3 you think?
- A. Because that then enabled Lucy Letby to
 contact me when she needed to, even if that was outside
 of my work hours.
 - **Q.** You said at the start of your evidence that
- 8 part of your role as Occupational Health nurse and
- 9 Occupational Health manager is to provide a completely
- 10 independent service in effect to a member of staff.
- 11 Do you think on reflection and with the benefit of
- 12 hindsight that having such a significant degree of
- 13 informal personal contact with a member of staff that
- 14 you are supporting that that might tend to detract from
- 15 that independence which you are required to maintain?
- 16 A. When I say independence, I mean independence
- 17 from HR, independence from any policies and procedures.
- 18 We are just concentrating on that individual member of
- 19 staff. So in doing this I felt I was going above and
- 20 beyond my job role, and my job role was given to me by
- $21 \quad \mbox{the Trust to support her through this investigation}.$
- 22 **Q.** I think you've said towards the end of your
- 23 witness statement that you think it would be useful for
- 24 there to be -- to have been a bit more guidance for
- 25 somebody in your role about how to act in that role when 54
- 1 dispute?

A. So anybody attending an Occupational Health
appointment can bring somebody with them. So they can
bring their partner and they can bring their Union rep,
they can bring their manager. So anybody attending can
bring somebody with them for support. So that's not
unusual.

8 Now -- and in this case, Lucy Letby rang me from
9 home asking to see me and ask whether she could bring
10 her mother with her. So I agreed because that is my
11 standard practice.

12 Q. Is it right that you also had contact on the13 phone directly with Letby's father?

- A. I do not recall any telephone calls withLetby's father.
 - Q. I think you may have seen that there's
- 17 a witness who suggests that there was pressure being put
- 18 on you that you were in effect being harassed by Letby's
- 19 father. Is that incorrect, then; is that what you're
- 20 saying?

- 21 A. I have no recollection of any telephone calls.
- 22 I have no recollection of being harassed.
- 23 **Q.** Thank you. Could I ask you to please turn up
- 24 or to put up on the screen document 0017911 and page 7
- 25 of that document, please.

Ms De-Beger, this is an extract from a witness 1 2 statement that you gave to the police as part of the 3 criminal proceedings. I just want to ask you about one 4 passage of that. 5 You see in the middle of the page it says: 6 "Lucy did ask for meetings with me on anniversaries 7 of some of the babies' deaths as she was particularly 8 distressed." 9 How many times, approximately, did Letby ask you 10 for meetings on anniversaries of the deaths of babies? 11 To my recollection, it was only once. Α. 12 Did any of the other members of staff that you Q. 13 were supporting on the neonatal unit, nurses in particular, did they ask you for meetings around the 14 anniversaries of the deaths of babies? 15 16 Α. No 17 Q. Is it right, therefore, that Letby's distress around anniversaries of babies was unusual compared to 18 19 other nurses that you were supporting at the time? 20 I can only take it on that at the meeting that Α. 21 I had with Lucy Letby she spoke about being particularly 22 distressed that week because it was, as she recalled, an 23 anniversary of one of the baby's deaths. But we then would have a meeting that was just about her managing 24 25 her feelings, her symptoms and talking about coping 57 1 Countess --2 Α. Correct 3 Q. -- in this role. In that period of time, so 4 from when you started in 2010 until July 2017, how many 5 times had you come across a situation where a member of 6 staff was displaying this kind of distress around the 7 anniversary of the death of a patient, is that at all 8 a normal situation for you to confront? 9 Α. I can't recall another situation, no. 10 Given that you knew at this time that the Q. allegation was that Letby had deliberately killed babies 11 on the neonatal unit, did it give you any cause for 12 concern that she was displaying this distress at the 13 14 anniversary of a baby death? No, not at all, because she -- it was in the 15 Α. context of she said that she was feeling particularly 16 distressed but how much more distressed would the 17 parents be at the loss of their baby, that's how she 18 19 framed it, and -- but we had no other conversation about 20 that. 21 And if I could just ask one more document to Q. 22 be put up on the screen. This is 0063777. If we go to 23 page 2, so we can follow this chain of emails. 24 You will see at the bottom Letby emails you on 25 25 April asking if you'll be around saying that she's

1 strategies.

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2 **Q.** And so this meeting that she asked for was in

July 2017 I think you've said in your police statement?

A. (Nods).

Q. So by that point, would you have known that some of the allegations against Letby was that she had deliberately killed babies on the neonatal unit?

8 **A.** That is likely. So I see members of staff who

9 are under an investigation for all sorts of reasons, it

10 could be that they've allegedly committed theft, fraud,

11 been racist, whatever it is, and I offer the staff

12 support, coping strategies, onward referrals throughout

- 13 the whole of that investigation and until it reaches the
- 14 conclusion.
- 15 Now, the conclusion can be that the person's given
- 16 a written warning, they're dismissed, or they're

17 actually returned to work. Now, that does not influence

- 18 what I do in my practice during that investigation with
- 19 that member of staff because, as I said to you, it's
- 20 independent, it's impartial and it's non-judgmental. So
- 21 I would look after staff during that investigation
- 22 without knowing any of the detail or that detail
- 23 impacting on what I do.
- 24 **Q**. I think you've said earlier that you've been
- 25 supporting members of staff since 2010 at the 58
- 1 not having a good week and that she's going to Alder Hey

2 the following day, and she's asking you whether you've

- 3 read some amended minutes of a document.
- 4 And you respond on the same day saying:
 - "I think going to Alder Hey is a good idea. It
- 6 will be something positive. How was Saturday? Did you
- 7 go to an event there? I think you should go to
- 8 Alder Hey regularly, it will give you a little break
- 9 from the stress here."

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- 10 Would you have known at this point, so April 2017,
- 11 that the allegation against Letby is that she killed
- 12 babies on the neonatal unit?
 - A. I'm presuming I would have known by then, yes.
 - Q. Why did you think, in that case, with that

15 knowledge, that Lucy going to Alder Hey would be a good16 idea and something positive?

17 **A.** Because I would of assumed that that was in

- 18 place and agreed by senior managers, and -- and if it
- 19 was agreed, which I assumed it was, then to be away from
- 20 the stress of the Countess would have been a good idea
- 21 for her health and well-being.

22 **Q.** Do you think it fair to say that at this point

- 23 you would have personally not agreed with the allegation
- 24 against Letby, that's why you thought it would be a good
- 25 idea for her to go?

Okay. And you reply -- well, she replies to 1 Α. Say that again, sorry. 1 Q. 2 Q. Well, is it fair to say that you, at this 2 you -- sorry, just up the page -- at 4.07 she says: 3 point, had taken a view that it was safe for her to go 3 "I feel as though this must be my fault and maybe 4 to Alder Hey? I have done something wrong to the babies and blame 4 5 That's not my remit at all. myself -- do you think that's normal?" Α. 5 6 Q. If we go back up the page to follow the chain 6 Do you see that? 7 to page 1. You say to her in your -- in the email at 7 Α. Yes, I do. 8 3.55, just below the middle of the page: Given you say you knew by this point that the 8 Q. 9 "I understand why you are feeling like you are but allegation against Letby was that she deliberately 9 10 you have all the reassurances that the execs and us 10 killed babies on the neonatal unit, did it give you any support you returning to the NNU and that is where you cause for concern when you received that email from 11 11 belong." Letby saying, "I feel as though this must be my fault", 12 12 13 Why did you feel, at this point, that the 13 et cetera? Executives were supporting Letby returning to the NNU? 14 No, I didn't, because at that time, in 14 Α. April 17, I believe that mediation between the Because that's all the information that was --15 Α. 15 16 well, that was the information that was always given to 16 clinicians and Lucy Letby had broken down and she was 17 Lucy Letby at our meetings. So at the meetings with 17 very distressed about that. Her -- she was -- it was Sue Hodkinson, Alison Kelly, Karen Rees, Hayley Cooper 18 a plan to return her to the neonatal unit at the 18 19 and myself the meetings were all about how we could work 19 beginning of April and that had been paused, so she was 20 to returning her to the NNU. 20 very upset about that, and this -- I do remember this 21 Q. I think you had known by this point that she 21 time being that she was very, very distressed, very 22 had been given a management instruction that she wasn't 22 confused about why she couldn't go back, why it had been 23 even allowed to visit the NNU; is that right? 23 paused when it had been planned that she was going back 24 Α. I don't know whether it was by this time. and she'd been visiting the unit. So I felt that that 24 25 I haven't got a timeline, but --25 was an explanation of all those mixed emotions, and 61 62 1 that's what I reply to her on her confusion about what 1 much? And I heard that many times. 2 was -- what was happening. 2 **Q.** I think you'd said in your statement that you 3 Q. I think you address in your statement that 3 didn't tend to have discussions with Letby about the 4 you're aware of safeguarding principles and that if you 4 actual allegations. 5 5 come into possession of any information that might cause Α. (Nods). 6 you to think there's a risk to somebody, that you would 6 Q. So is it fair to say you must have had some 7 deal appropriately with that and pass it on; is that 7 discussions about the substance of the allegations 8 fair? 8 because you say she was telling you she'd done nothing 9 Α. That's fair. 9 wrong? 10 Q. And I think you say in your statement that you 10 Α. So she would tell me she has done nothing wrong and how that made her feel -didn't come across any such information when you were 11 11 dealing with Letby, hence you didn't initiate any of the 12 12 Q. Yes safeguarding routes that you were aware of. 13 13 Α. -- but nothing about the babies or deaths. 14 With the benefit of hindsight now, knowing that 14 Q. Just going back to the point you made earlier Letby was accused and has been convicted of killing that you -- it's your wish that there had been some 15 15 babies on the neonatal unit, do you think that this more -- some clearer guidelines about how to provide 16 16 17 email from her could have been enough for you to mention 17 Occupational Health support to members of staff accused it to somebody? of misconduct, do you think that if there had been such 18 18 19 No, I don't, because she says "maybe I have guidance in place you might have acted differently upon Α. 19 20 done something", she doesn't say she has, and I know 20 receipt of such a message from Letby? that she was very distressed and stressed at that 21 I think if I'd had some clinical supervision 21 Α. 22 particular time, and all the conversations that we've 22 it might have been something that I would have spoken to 23 had previous to this she has always told me that she'd 23 them about, yes. 24 done nothing wrong, why did -- why were people doing 24 LADY JUSTICE THIRLWALL: Clinical supervision, this to her? And why did the Consultants hate her so 25 25 that's where someone's responsibility is to you and so 63 64

1	you can offload. I know it's called "supervision" but	1
2	is that what you mean	2
3	A. Yes.	3
4	LADY JUSTICE THIRLWALL: someone was there for	4
5	you?	5
6	A. Yes, it's like a mentorship or a clinical	6
7	supervision where you might want to discuss particular	7
8	cases that you've got and you would with somebody	8
9	that was equally qualified that you would be helped on	9
10	the way forward with that particular case, yes.	10
11	LADY JUSTICE THIRLWALL: I follow, thank you.	1 <i>*</i>
12	MR BERSHADSKI: Thank you, my Lady, those are my	12
13	questions for Ms De-Beger.	13
14	LADY JUSTICE THIRLWALL: Thank you, Mr Bershadski.	14
15	Ms De-Beger, I've got no more questions for you.	15
16	Thank you very much for coming and giving your evidence	16
17	to us today. You are free to go.	17
18	A. Thank you.	18
19	LADY JUSTICE THIRLWALL: I think the next witness	19
20	is going to be ready at 1 o'clock, so I suggest that we	20
21	take the lunch break now and we will start again at	2
22	1 o'clock.	22
23	(11.54 am)	23
24	(The luncheon adjournment)	24
25	(12.59 pm)	25
	65	
1	A. No, '81.	1
2	Q. '81, I beg your pardon. And you became	2
3	a member of the Royal College of Pathologists in 1996?	3
4	A. That's correct, yes.	4
5	Q . And a fellow in 2004?	5
6	A. Yes, that's right.	6
7	Q. You are a chartered a registered chartered	7
8	scientist?	8
9	A. Yes.	9
10	Q. And a member of the Association for Laboratory	10
11	Medicine?	11
12	A. Yes, that's correct.	12
13	Q. And you have been on the GMC specialist	13
14	register for chemical pathology since 17 April 1997?	14
15	A. Yes, that's correct.	15
16	Q. And you are currently a Consultant chemical	16
17	pathologist at the Countess of Chester Hospital; is that	17
18	right?	18
19	A. Yes, that's right.	19
20	Q. And did you hold that position in 2015/2016?	20
21	A. Yes, I've been in that position since 1996.	2
22	Q. Dr Bowles, I would like to begin the substance	22
23	of your evidence by considering your department in 2016.	23
24	So that department, firstly, is the blood science	24
25	department; is that right?	25
	67	

1	LADY JUSTICE THIRLWALL: Mr De La Poer.
2	MR DE LA POER: My Lady, our final live witness for
3	today is Dr Shirley Bowles, and I wonder if she might
4	come forward to the witness box, please.
5	LADY JUSTICE THIRLWALL: Yes, Dr Bowles, do come
6	forward.
7	DR SHIRLEY BOWLES (affirmed)
8	LADY JUSTICE THIRLWALL: Thank you very much
9	indeed, Dr Bowles, do sit down.
10	A. Thank you.
11	Questions by MR DE LA POER
12	MR DE LA POER: Please could you give us your full
13	name.
14	A. Dr Shirley Anne Bowles.
15	Q. Dr Bowles, can you confirm, please, that you
16	provided to Inquiry a witness statement dated 24 May of
17	this year?
18	A. Yes, I did.
19	Q. And are the contents of that witness statement
20	true to the best of your knowledge and belief?
20 21	A. Yes, they are.
21	Q. I'll just deal with your background first, if
22	we may.
23 24	You qualified as a medical doctor in 1996; is that
24 25	right?
25	66
1	A. Yes, that's right.
2	Q. And in 2016, where did you sit within the
3	hierarchy of that department?
4	A. I was director of blood sciences.
5	Q. So at the very top?
6	A. Well, it's sort of yes, I mean, it's a
7	I suppose it's where the buck stops with respect to sort
, 8	of problems in the department, but there are other
9	managers who also are responsible for running the
9 10	day-to-day.
11	Q. And were you the sole Consultant chemical
12	pathologist at that time?
13	A. Yes, I was the only chemical pathologist but
14	there was also a Consultant clinical scientist working
15	alongside me.
16	Q. And between the two of you, did you share the
17	duty biochemist role?
18	A. We did, yes.
19	Q. Just tell us, please, in a nutshell what the
20	duty biochemist role was in 2016?
21	A. Well, it was on a rota basis, you do a day at
22	a time, and there was a variety of things that would
23	fall under that umbrella, things like reviewing the
24	
25	"send away" lists because when samples were sent away we would review them to see if they all seemed appropriate

(17) Pages 65 - 68

in terms of what was being sent and why, but the main 1 2 bulk of it was to do with looking through the various 3 reports of results. 4 So there would be two main groups of results. There would be some that had been filed after analysis 5 6 for us to look at, so they would be some of the more 7 complex tests like hormones, two more markers, 8 et cetera, where it was felt they weren't required for 9 the immediate management of the patient, so they could 10 actually be held back for a -- you know, until the duty biochemist was able to review them, and it could be 11 12 helpful for comments, et cetera, to be. 13 And then there was another group of results which we called the exception report, which I instigated, 14 which was results that had already been authorised but 15 16 we felt should -- would benefit from another review. 17 So there were often results that were extremely 18 abnormal and fell on to our telephone list, and we would 19 then review them and see -- make sure that they had been 20 telephoned, if that was appropriate, check that if there 21 was any additional investigations could be added because 22 sometimes, for example, if there was a very high calcium 23 we might add a parathyroid hormone to see if we could help determine the cause of that high calcium. And 24 25 sometimes I would check to see whether the clinical team 69 1 Α. Oh, it's difficult to say because you always 2 feel you're -- you're stretched. I think we've always 3 felt that they were on the lean side of the staffing 4 spectrum. In terms of the sort of clinical team there

5 were only two of us, so if -- and, for example, on that 6 particular week Dr Lewis was actually on annual leave so 7 I was actually on my own all week, so we would be doing 8 duty biochemist five days as well as doing clinic. So 9 there were times when it did feel a bit pressured but I think there is a feeling in the NHS that you just sort 10 of get on with it really and -- and manage. 11 12 I appreciate others have spoken about that Q. 13 attitude in terms of just making do and carrying on, but 14 the week that we're going to be focused upon you've described your colleague being away leaving --15

16 **A.** Yes.

17 Q. -- you to do five straight days as duty18 biochemist on top of your other duties.

19 **A.** Yes.

20 **Q.** I mean, being realistic about it, was that too

21 much for one person to be doing well or would you say22 that you, that week, were able to do every aspect of

- 23 your job well?
- 24 A. I would hope I would. I mean, I've got
- 25 $\,$ experience to prioritise and I would hope that I would $\,$

- 1 had acted on the results. So, for example, if someone
- 2 had a very high potassium I would look up the patient
- 3 again and see whether it had been repeated or whether
- 4 there was anything saying that they'd actually done
- 5 something about it. So it was a sort of second check of6 results that had already gone out.
- 7 We would also field any phone calls to the lab
- 8 about anything, any queries about how to investigate9 patients, et cetera.

Q. In that duty biochemist role, would you be the
 person being asked for if another laboratory had urgent

- 12 or abnormal results that they wanted to speak to
- 13 somebody about in your department?
- 14 **A.** Usually. Occasionally there were

15 relationships perhaps with, for example, some of the

- 16 clinical scientists a different lab might know Dr Lewis
- 17 well and they might decide they might have a phone
- 18 number of and just call her directly, but other times
- 19 they would just ask to speak to the duty biochemist and
- 20 then they would be put through to whoever was doing that21 duty at the time.
- 22 Q. In terms of how your department was
- 23 functioning in 2016, was it able to cope with the
- 24 demands which were being placed on it, or was it under
- 25 strain?

- 1 know what were the important things to do and what were 2 the things that could be left. 3 But, yes, you would feel busy -- very busy. But, 4 as I say, it was a situation I'd always been in, because 5 in fact when I started at Countess of Chester I didn't 6 even have a clinical scientist, so I was actually on my 7 own. So it's -- it wasn't something that I sort of saw 8 as unusual, and I don't think it's unusual in the NHS. 9 I mean, for sort of the hospitals the size the Countess 10 it would have been quite common to only have 11 a Consultant scientist and the chemical pathologists in that department, so I don't think I saw it as 12 13 exceptional. 14 It was busy, I hoped that I managed it well. 15 Part of your role as duty biochemist, as we Q. understand it, would be to contact the ward or 16 17 particular departments in the event that certain results 18 justified it. 19 Α. Yes 20 Q. Focusing upon the paediatric ward and more specifically the neonatal unit, what was your experience 21 22 at that time of being able to get hold of a doctor to 23 speak to of sufficient knowledge, authority and 24 experience to talk about results?
- 25 A. I have to admit that I don't actually think 72

that I'd actually had to call the neonatal unit very 1 2 often because most of the results that were phoned 3 through would have been done by the -- by medical 4 scientists. Most of the sort of every day results like bilirubins or potassiums, et cetera, they would have 5 6 been done by the people actually analysing the 7 specimens. We had a protocol for telephoning results, 8 and those results that came straight through off the 9 machines would have been phoned by the biomedical 10 scientist. 11 So the need for myself or Dr Lewis to intervene was probably very infrequent. But, in general, if I had to 12 get hold of people on the wards it was variable as to 13 how successful I would be. 14 15 Q. In that the telephone wasn't always answered 16 or that it was answered but the person you wanted to 17 speak to wasn't available or a combination of the two? 18 Α. A combination of the two. It wasn't unusual, 19 particularly at busy times of the day, which would 20 include sort of in the morning, that nobody would answer 21 the phone and you'd have to try again later, or you 22 would answer the phone -- and I usually, if I was 23 ringing, I would want to speak to a doctor rather than -- I mean, when the biomedical scientists ring 24 25 results, they generally just give it to whoever answers 73

1 doctor or the Consultant in charge of the patient, what

2 sort of request would you be making when the phone is3 answered?

- 4 A. I would usually be looking for the doctor who
- 5 was looking after that patient, so it could be -- it
- 6 wouldn't normally be the Consultant because they
- 7 wouldn't usually be on the ward. It would be unusual
- 8 unless I had to hit a ward round. So it would usually
- 9 be one of the doctors who was directly involved in that10 patient's care.
- Q. Let's just walk through the process. We've
 heard from your colleague, Dr Milan, this morning,
 something about the Liverpool end of the process, but
 your understanding is that -- and I'm just summarising
 your witness statement here for you to agree or
 disagree -- that blood would be taken on the ward, it
- 17 would arrive at your lab first with the request on it.

18 **A.** Yes.

Q. That if it was a test that your lab did your
lab would undertake that test. If it wasn't a test for
your lab but it was a test for Liverpool, that you would
prepare the sample for transport and ensure it was

- 23 correctly pack and arrange for the transport to
- 24 Liverpool --
- 25 A. Yes --
- 75

- 1 the phone. I mean, there's a protocol for, you know,
- 2 asking them to repeat the results back, et cetera, but
- 3 they would just give them to whoever answered the phone.
- 4 Usually when I was phoning results I was wanting to
- 5 know a little bit more information, so I would normally
- 6 ask to speak to the doctor, and sometimes there would --
- 7 the doctor would not be on the ward or they may be on
- 8 the ward but weren't available to speak to either
- 9 because they were doing a procedure or they were on
- 10 a ward round, in which case I would either ask them to
- 11 call me back or I would take a bleep number and try12 again later.
- 13 Q. So in terms of what sort of occasions when you14 needed to be involved, it required a doctor at the other15 end?
- A. Well, usually, because I normally wanted toknow a little bit more about the patient, and usually
- 18 the doctor would have a better indication of the sort of
- 19 things I was talking about. I have spoken to nurses who
- 20 were particularly in the more specialised units where
- 21 they were more intensive one to one and, therefore,
- 22 would know a lot about the patient, but usually I would
- 23 want to speak to a doctor.

1

- 24 **Q.** When you say doctor, are you just asking for
- 25 any doctor on the ward at that time or the patient's 74
 - **Q.** -- have I got that right?

2 -- it would be -- I mean, depending on the Α. 3 type of requests, sometimes the samples needed to be 4 frozen, sometimes they could just be stored in the 5 refrigerator, so each -- I mean, we have quite a lot of 6 documentation around what's required for each particular 7 type of test. So -- I mean, obviously I'm not directly 8 involved in that, but the staff in the laboratory would -- when they get the request in, they would take 9 whichever sample -- if there was a sample specifically 10 11 for a referral laboratory or if they just would take a part of one of the samples they had, which, as I say, 12 13 they would either put to one side in the fridge or store

- 14 it frozen until they were able to send it on the next
- 15 transport, which would usually be the next working day.
- 16 For Liverpool in particular we had transport every
- 17 day -- well, Monday to Friday so that they would -- it
- 18 would go on the next day's transport.
- Q. And in terms of the particular test that we're
 focused upon, the insulin C-peptide and the ratio
- 21 between the two, we understand that that wasn't a test
- 22 that the Countess was doing in-house at that time.
- 23 **A.** No.
- 24 Q. Can you just help us to understand why that
- 25 wasn't an in-house test and why you needed to outsource 76

1	that?
2	A. Well, in very few laboratories would do
3	insulin. They're specialist tests, they're not asked
4	for when you make a decision about whether to have
5	a test in a lab or send it elsewhere it's usually
6	a decision based on how quickly the results are
7	required. Anything that we think needs to be required
8	within four hours for a patient's immediate management
9	we would do in-house. But more esoteric tests need to
10	be done in specialised laboratories because it's not
11	feasible for every laboratory to set up this the
12	instrumentation, the expertise that's required to do
13	these assays, and if you are only doing a few, then you
14	would not have that expertise inevitably because people
15	wouldn't have the familiarity with the test.
16	So I think, as far as my understanding is,
17	Liverpool does the insulin and C-peptides for the whole
18	area. I could be wrong, but that's my understanding.
19	So they would have all the hospitals from the
20	Cheshire/Merseyside region sending their samples there,
21	which allows them to there's also an economy of scale
22	as well but it allows them to develop the assay and have
23	the expertise in performing those assays.
24	Q. And just help us with a little further
25	understanding about the thought process you would expect
	77
1	Q. And, therefore, the clinician, if that was
1 2	Q. And, therefore, the clinician, if that was going to be the outcome, would be expecting to see both
2	going to be the outcome, would be expecting to see both
2 3	going to be the outcome, would be expecting to see both a high level of insulin and a high level of C-peptide;
2 3 4	going to be the outcome, would be expecting to see both a high level of insulin and a high level of C-peptide; is that right?
2 3 4 5	going to be the outcome, would be expecting to see both a high level of insulin and a high level of C-peptide; is that right? A. Well, it depends what the cause was because
2 3 4 5 6	 going to be the outcome, would be expecting to see both a high level of insulin and a high level of C-peptide; is that right? A. Well, it depends what the cause was because they can also be the opposite. You can have a lack of
2 3 4 5 6 7	 going to be the outcome, would be expecting to see both a high level of insulin and a high level of C-peptide; is that right? A. Well, it depends what the cause was because they can also be the opposite. You can have a lack of the other hormones that increase glucose that can also
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 going to be the outcome, would be expecting to see both a high level of insulin and a high level of C-peptide; is that right? A. Well, it depends what the cause was because they can also be the opposite. You can have a lack of the other hormones that increase glucose that can also be a cause of hypoglycaemia. So the three hormones that they do look at commonly are the glucose insulin, cortisol, and growth hormone, and they're the sort of three main hormones that keep glucose within relatively close limits in healthy individuals. So if you have an imbalance of any of those that would give an explanation. Q. Absolutely, but one part of that triangle of drugs is the insulin A. Yes. Q and so the reason why you ask for the insulin level is because that might provide the explanation for why the child is A. Yes. Q hypoglycaemic?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 going to be the outcome, would be expecting to see both a high level of insulin and a high level of C-peptide; is that right? A. Well, it depends what the cause was because they can also be the opposite. You can have a lack of the other hormones that increase glucose that can also be a cause of hypoglycaemia. So the three hormones that they do look at commonly are the glucose insulin, cortisol, and growth hormone, and they're the sort of three main hormones that keep glucose within relatively close limits in healthy individuals. So if you have an imbalance of any of those that would give an explanation. Q. Absolutely, but one part of that triangle of drugs is the insulin A. Yes. Q and so the reason why you ask for the insulin level is because that might provide the explanation for why the child is A. Yes. Q hypoglycaemic? A. Yes. You would be looking to see whether it

1	for somebody asking for that test. If a clinician has
2	a child who is hypoglycaemic, so low blood glucose, and
3	they said they wanted an insulin and C-peptide test,
4	what would you expect the clinical reasoning for that
5	request to be?
6	A. Well, they would be looking for a reason for
7	the blood glucose to be low. I mean, it's not uncommon
8	for neonates to have low blood glucose, especially if
9	they are premature or small. But and a lot of the
10	time they may not go through the full investigation
11	because it may be a very transient thing which is easily
12	managed.
13	If it's proving a little more difficult to manage,
14	they might want to try and understand what the cause is.
15	And insulin is the main hormone that reduces glucose
16	levels so, you know, too much insulin can be a cause of
17	a low glucose, so that would be the rationale behind
18	asking for that particular test.
19	Q. And so under that clinical reasoning, the
20	clinician doesn't know the explanation but is thinking
21	to themselves, "This baby might be producing too much
22	insulin causing him or herself to become hypoglycaemic,
23	and the test, the insulin and C-peptide, may confirm
24	that."
25	A. Yes. 78
1	information in the request is far the C pontide
1 2	information in the request is for the C-peptide because
2	A. Yes.
4	Q. if that C-peptide is high, then the
5	clinician can say to themselves, "This child is
6	producing a lot of insulin, we need it think about how
7	we manage that"?
8	A. Yes. So there is a relative relationship
9	between the two, yes.
10	Q. Yes. So that's what's in the clinician's mind
11	when they ask for the insulin and for the C-peptide?
12	A. I assume so, yes, they're looking for that
13	cause.
14	Q. That's what you would expect?
15	A. Yes.
16	Q. So let's just look, please, at the
17	circumstances relating to Child L with those factors in
18	mind, and we can begin by having a look at INQ0001169 at
19	page 216, please.
20	So here we're looking at a record from the Countess
21	of Chester. This is a record I think you're familiar
22	with, is that right, Dr Bowles?
~~	

- 23 **A.** Yes.
- 24 **Q.** And just draw our attention, please, to a few
- 25 $\,$ items. I think we can see towards the top left, about $\,$ $\,$ 80 $\,$

at

a third the way down, the date 9 April 2016 at 15.45. 1 1 2 Do you see that? 2 3 Α. 3 Yes. 4 O. In fact it's a little lower than that? 4 5 Α. I can't see the 15.45 -- oh, yes, I can, yes. 6 Q. Lower than where it's being highlighted --7 Α. Yes, I can see that now, yes. 7 8 You can see that? Thank you very much indeed. Q. 9 And would you -- what would you understand that 10 entry to correspond with? That would have been probably the time that 11 Α. the request was made for the blood test, so that would 12 12 have been made on the unit for -- for the actual 13 14 request. Q. So the chain of events in terms of the record 15 16 starts with that, with somebody on the unit saying, 17 "I would like the following tests undertaken"? 18 Α. Yes. 18 19 So we can take that down, please. 19 Q. 20 You would then have expected the sample to reach 20 21 your laboratory --22 Α. Yes. 23 Q. -- is that right? You just looked at the 23 screen there, was there -- was there a record on there 24 25 that might help you with that question? 81 1 collect these specimens when the baby is hypoglycaemic, 2 but we usually do a check of the blood sugar in the 3 laboratory because that's considered more reliable than 4 the -- the glucose meters. 5 So they would -- you need -- in order to interpret 6 the results, you do need the glucose to be low, so they 7 would -- they would collect those results at a time when 8 the baby was recorded as being hypoglycaemic. 9 So that hypoglycaemia entry there against the Q. words "relevant clinical details", is that what your 10 laboratory has been told by the ward or is that as 11 a result of your laboratory's check? 12 13 Α. No, that's -- that's what they would have told 14 that -- that was what they would have told the ward. From the ward, yes. 15 16 Q. But to be checked and to be calibrated 17 accurately by your --18 Α. Yes, to be checked, yes. Yes. Obviously we can also see -- and this is 19 Q. 20 the other matter I omitted to ask you about -- that on the 11th of the 4th, just below where it's highlighted, 21 22 we've got "closed", and I think by you. I think 23 that's -- that would be a reference to your name; is 24 that right? 25 Α. Yes, that was -- I think that was related to

83

A. Yes, it was received --

Q. Can we bring that back up again?

A. It was received in laboratory at 18.26.

Q. Thank you. Could we bring that up again.

5 Thank you. That's my mistake.

- 6 So where should we be --
 - A. That's -- at the top, there's -- next to the
- 8 specimen number there's -- the next column along there's9 three --
- 10 **Q.** I see so we've got, "Ordered for COLL

11 received"?

- A. Yes, the received would be when the sample
- 13 barcode was read by the specimen reception, so they
- 14 would wand the barcode, and that was what's called
- 15 "receiving specimen into the laboratory".
- 16 **Q.** Now, in fact there's a matter I overlooked to
- 17 ask you about -- in fact two. We can see hypoglycaemia
- 8 is marked in the very centre.
- 9 **A.** Yes.

20 Q. So would that be information provided from the
21 ward as a result of a heel prick test that they'd done
22 or would you actually see --

- 3 A. Yes. I mean, they would generally monitor the
- 24 baby's blood sugars using the heel prick tests and
- 25 glucose meters on the unit because they're supposed to 82
- 1 the cortisol and growth hormone results. 2 Q. Yes. So those are the results that you can do 3 in-house. 4 Α. Yes. 5 Q. And so you can close those ones off within 6 two days of receiving them --7 Α. Yeah, well, those -- that would have --8 because this was a Saturday the 9th --9 Q. Yes. 10 Α. -- and the 11th was the Monday, so that --I would have been duty biochemist on that day, so that 11 would have been one of the results that I looked through 12 13 on that particular day. 14 Q. So in-house dealt with within two days 15 first --16 Α. Yes. 17 -- day of the week. But, of course, we've got Q. part of the sample going off to Liverpool for the 18 testing for the C-peptide --19 20 Α. Yes. 21 Q. -- and insulin. 22 Α. That would have been transported on the Monday 23 with the Liverpool transport. 24 Q. Thank you. So we can --25 LADY JUSTICE THIRLWALL: Sorry, just before you --84

1	MR DE LA POER: My Lady, of course.
2	LADY JUSTICE THIRLWALL: I just want to check my
3	note at the top when we've got the three timings, or
4	rather unknown, unknown, and then what time was it
5	received in your
6	A. I think it is 18.26, is it not?
7	LADY JUSTICE THIRLWALL: Well, that was my
8	question. I couldn't see whether it was 15, 16 or 18.
9	A. I think it must be 18 because the entry was
10	only made at 15.49, so I think it was 18.26.
11	LADY JUSTICE THIRLWALL: So 18.26 on the basis that
12	it must have been that there would have been that
13	much time between it being taken and then received?
14	A. Yes, and then the timings that are below which
15	are the sort of series, there's an 18.29, that would
16	have been when the sample was put on the track to have
17	the in-house samples done. So we have a robotic track
18	and that reads the barcode as well and that was at
19	18.29.
20	MR DE LA POER: That in the bottom half
21	A. Yes.
22	Q that series of columns
23	A. Yes, that is right.
24	Q there we can see
25	LADY JUSTICE THIRLWALL: So 18.26 followed by
	85
1	in-house tests that you'd done, there was no obvious
2	explanation for the very near hypoglycaemia?
3	A. No, they were what would be expected in that
4	situation. I mean, obviously if there was a deficiency
5	of hormonal of growth hormone or cortisol you
6	might that might be picked up in that situation
7	because they could perhaps be the cause of
8	a hypoglycaemia, but those look like perfectly normal
9	responses in that situation.
10	Q. And so I'm not suggesting this happened but
11	anybody looking at just those results and knowing that
12	another result was due would be expecting a high level
13	of insulin to come back, would that be the hypothesis
14	that you would have waiting to be confirmed, because
15	that would then explain why the blood sugar was very
16	low?

- 16 low?
- A. Yes. I mean, there may be other non-hormonalexplanations but that's probably a reasonable
- 19 supposition, yes.
- 20 **Q.** And so we come to the 14 April, and you were
- 21 the duty biochemist, as you've told us, that day. And
- 22 we understand from the evidence from the Liverpool end
- 23 that a telephone call was made. And whether you
- 24 answered it or whether someone answered it and put it
- 25 through to you, you ended up in conversation with
 - 87

- 18.29. Thank you very much. 1 2 MR DE LA POER: So in terms of the in-house 3 results, what -- before you received the final part of the puzzle from Liverpool, what conclusions if any could 4 be reached from those in-house tests? 5 6 Α. I think from what I can remember, all the 7 results were relatively normal. The glucose was low, it was 2.8, not quite within the definition of 8 9 hypoglycaemia, but certainly low. 10 The growth hormone was relatively high, which is what you would expect in a hypoglycaemic patient because 11 glucose -- growth hormone and cortisol tend to raise 12 cortisol levels -- glucose levels, so you would expect 13 the normal reaction would be for them to be increased. 14 15 The cortisol doesn't look raised but the reference 16 range that's given on the -- on the -- the report is 17 based on a 9 am cortisol, which is -- cortisol has what we call a diurnal rhythm, so it tends to be high --18 19 highest in the morning and lowest at midnight, so 20 a result that's -- looks like it's within the reference range but is -- later in the day could be considered to 21 22 be higher than you might expect if the patient wasn't 23 stressed by having hypoglycaemia. 24 Q. So we can take that down. 25 So does it come to this that, in terms of the 86 1 somebody --2 Α. Yes. 3 Q. -- from Liverpool; is that right? 4 Α. Well, I -- yes. I mean, I have to emphasise 5 that I don't actually remember this -- any of this had 6 actually happened. It's -- I'm purely reliant on the 7 records that I've been presented with and also the usual 8 practices -- procedures in the lab and practices at the time. It was many years afterwards before I was -- this 9 was highlighted to me. So I have to say that I'm basing 10 this on supposition as to what I would have done in that 11 12 situation, apart from the ones where I actually have 13 documentary evidence of my actions. 14 Well, we'll come to all of that in a moment. Q. 15 Let's just build the picture. INQ0001176. 16 Now, this is the Liverpool end, this is an entry on 17 their system, and we can see that that person has recorded on the system that the advice is: 18 "Difficult to interpret without concurrent glucose 19 but may be inappropriate if patient was hypoglycaemic at 20 21 the time of collection." 22 And your full name is indicated about three lines
- 23 above.

- 24 **A.** Yes.
 - Q. And we've got the time there in terms of their 88

1 system record of 9.38 and 23 seconds. 2 Α. Yes. I mean, I would not have actually seen 3 that comment. 4 O. No, I'm not suggesting for a moment --5 But I assume that's the thrust of the Α. conversation that I had. 6 7 Well, exactly so. So this is what that person Q. 8 has recorded their advice as being in that situation 9 and --10 Α. Yes. -- if we just take yourself out of the 11 Q. situation for a moment, just think about these results, 12 that's good advice, is it? 13 Yes. I mean, on the basis of results, yes, 14 Α. that seems a reasonable decision. 15 16 So you would have -- you would have expected Q. 17 somebody with those results in Liverpool to be saying something like that? 18 19 Α. Yes. 20 Q. But, of course, the missing piece of the 21 puzzle for them, a piece of information that you had, 22 was the glucose level. 23 Α. Yes, that's right. 24 So let's now have a look at the other side, Q. 25 the note at Chester, INQ0001169 at page 217, please. 89 1 this printout? 2 Yes. I mean, that's what made me realise Α. 3 I had obviously -- probably had had a phone call, even 4 though I didn't remember it, because I wouldn't normally

5 enter the results of tests myself. They would normally6 have been done by one of the biomedical scientists and

7 then we would check them as a second check. So the fact

8 that I entered them was a clue to me that I probably had 9 a phone call or else alternatively that the -- sometimes

9 a phone call or else alternatively that the -- sometimes10 the post does come addressed to me and I would open it,

11 and then I might see a result and think, "Oh, I should

12 do something with this."

13 But I think -- obviously now I know it was a phone

14 call that prompted me to act on them. Because our

15 normal process is the results go to a box upstairs and

16 the biomedical scientists work their way through them,

17 and because there are so many pieces of paper it

18 actually can take quite a long time for them to work

19 their way through, so with a result like this obviously

20 I would want to make sure there's no delay I've made the21 decision to enter it myself.

22 **Q.** And in fact we can see just directly below,

23 about an inch on my screen, 9.38 is the entry time. So

24 if you just go straight down the screen about four

25 lines, we should see a 9.38 next to the date with your

91

Now, regrettably, there are aspects of this that 1 2 are harder to make out, but I think that the relevant details are just appearing on the bottom of our screen 3 4 there. We can see there the insulin result of 1,099. Is 5 6 that the number that we should be looking at? 7 Α. Yes 8 And we can see under that interpretation of Q. insulin level depends on glucose, so that appears to 9 10 precisely match --11 Α. Yes, that --12 -- what the record of advice from Liverpool. Q. 13 That goes on automatically I think on every Α. 14 insulin. 15 That's a warning to everybody, don't assume, Q. 16 double-check? 17 Α. Yes Q. I understand. So it looks like the advice at 18 19 Liverpool was in line with your automated warning. 20 And then we've got the insulin C-pep at 264. Is 21 that the right number that we should be looking at? 22 Α. I think so, yes. 23 Q. Now, let's just consider these circumstances. 24 Firstly, will you have manually input those entries 25 into this -- into a pro forma on a screen that produces 90 1 name. 2 I wonder if we can just highlight that so that --3 so four lines down. There we are. And, of course, we

4 know that the Liverpool record is timed at exactly the 5 same time, which, again putting the pieces together, 6 demonstrates, doesn't it, that this was a telephone call 7 from Liverpool --8 Α. Yes. -- to you and you are at the same time, one in 9 Q. Liverpool, you in Chester, making entries on your system 10 about that call? 11 Well, I don't know whether I would have made 12 Α. the entries directly at that time. I usually write them 13 14 down and then read them back, but certainly I put them

15 in very shortly after the phone call or around the time16 of the phone call.

17 Q. So we're going to come to, further along that18 row in a moment, the verified. But I just -- before we

19 get to verified, let's just talk about the context of20 this.

21 What were the circumstances in which you would

22 expect Liverpool to be telephoning through a result for

23 what was otherwise a non-urgent testing request?

24 A. They would ring through results that they felt

25 needed someone to look at and possibly act upon, bearing 92

about these results."

1	in mind that they might not have all the information
2	that they required.
3	Q. Is it bearing in mind that they could
4	otherwise just put it in the post and it could turn up
5	a couple of days later, be sorted through and so on,
6	does it in fact indicate that this is urgent
7	A. It indicates
8	Q if they're telephoning
9	A that it's either urgent or unexpected or
10	unusual, yes.
11	Q. So that's the fact of the telephone call.
12	Let's look at the results themselves.
13	We've heard from Dr Milan that in the event that
14	this was insulin secreted by the body, one would expect
15	the C-peptide level to be five or ten times higher than
16	the insulin level.
17	A. Yes, that's what the ratio indicates, yes.
18	Q. And so that number 264 should have been, if
19	this was naturally occurring insulin, between 5 and
20	10,000.
21	A. Yes, yes.
22	Q . And it is and I won't attempt to say how
23	many factors, but many factors less than that, isn't it?
24	A. Yes.
25	Q. And from the point of view of you as 93
	55
1	indicate that the child was very nearly within the
2	hypoglycaemic range; is that right?
3	A. Yes.
4	Q. And working on the hypothesis that this is
5	Q. And working on the hypothesis that this is externally administered insulin, doesn't that only leave
5 6	Q. And working on the hypothesis that this is externally administered insulin, doesn't that only leave three possibilities? Let me tell you what they are and
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. And working on the hypothesis that this is externally administered insulin, doesn't that only leave three possibilities? Let me tell you what they are and you can see if you agree or disagree. Either that child had been legitimately given insulin but they had been given so much in a hyperglycaemic state that it had almost taken them to state of hypoglycaemia. That's possibility 1. Possibility 2 that they have accidentally been given insulin, in other words it wasn't indicated for them at all but by reason of some kind of medication confusion they've received it. Or option number 3, somebody has deliberately given insulin when it was not clinically indicated, which would obviously be the most serious possible implication. So those are the three possibilities for your conclusion. Do you agree or disagree with that? A. Yes. I mean, I have been highlighted

1	a scientist understanding how the human body works and
2	what the ratios should be, is your interpretation of
3	that result it's at least highly likely that that child
4	has received insulin by way of medication as in
5	externally?
6	A. Yes. I mean, obviously I'm sort of looking
7	back and interpreting them trying not to think about
8	what I know now compared to what I knew then but, yes,
9	this certainly would have been a puzzling result in
10	a patient on the neonatal unit.
11	Q. We're going to look because you use the
12	"puzzling" in your statement we're going to have a look
13	at that in a moment. But from your point of view,
14	understanding how the ratio of insulin and C-peptide
15	should work, that is the obvious conclusion, isn't it?
16	A. Yes, it seemed to be seems to be
17	a conclusion that it looks like there is external
18	administration of insulin.
19	Q. And, of course, you had access to the glucose
20	level.
21	A. Yes.
22	Q. And you had that prompt that you ought to
23	check it
24	A. (Nods).
25	Q and checking the glucose level would
	94
1	the in my mind, at that time, yes, the three
2	Q. Yes
3	A were probably the most likely.
4	Q. exactly so. I mean, we're not talking
5	about extremities, whether they do or do not
6	legitimately exist. As a doctor as a pathologist
7	interpreting these are going to start with the most
8	obvious explanations, aren't you
9	A. Yes.
10	Q. and exclude those? But those three are the obvious explanation for the this result?
11 12	
12	A. Yes, yes, I would agree.Q. And it being one of those three, do you agree
14 15	at best it's likely that there has been a medication error?
15 16	A. Yes. I mean, I I can't say whether
10	I thought through that clearly at that time about the
17	possible scenarios. I possibly just thought this is
10 19	something I need to convey and find out a bit more
19 20	about. So I may not have in the you know, at the
20 21	time I may not have actually gone through that process,
	I might have just thought, "I need to speak to someone
22	I IIIUIILIIAVE IUSLIIUUUIIL. TIEED IO SUEAK IO SUDEODE

Q. That poses this question: why wouldn't you 25 have thought in that structured way about these results?

(24) Pages 93 - 96

I don't know. I mean, sometimes you just get 1 Α. 2 results that are puzzling, and I guess the obvious thing 3 to do is to try and find out a bit more information 4 about them. Rather than to sit and sort of wonder 5 actually to try and find some facts out about it. 6 Q. I suppose the reason you would do your own 7 analysis is that you would then be able to decide what 8 level of priority to give your efforts that followed. 9 Do you follow the reasoning of that, that if you had sat 10 there and thought, "At best someone's has made a medication error, I really need it make sure that 11 I speak to somebody about this and have a proper 12 discussion about them", that would be a valuable use of 13 your time analysing what these results might mean; is 14 that fair? 15 16 Α. That's fair but, as I say, I can't remember 17 what my process of thoughts -- thought processes were at that time. All I know is that I obviously felt the need 18 19 to ensure the results were communicated rapidly. 20 Now, do you in the lab have access to the Q. 21 patient medical records, the electronic ones? 22 Α. At that time, we had very limited access 23 because most of the clinical notes were paper-based. The only notes that were available on the computer 24 25 system were the nurse care -- nurse care notes --97 1 have entered a result and you just -- you're not --2 there's nothing untoward about result, it's an 3 instantaneous process, so basically you just press A and 4 return, so it would be instantaneous. So the fact there 5 was this two-minute gap was what made me think that that 6 would be my usual practice would -- that I tried to 7 telephone someone at that stage. You have said two minutes, in fact they 8 Q. 9 verified that's being highlighted here is against a time I think of 9.36 to the left. 10 Α. 11 Entered 9.36. Oh, well, I --12 Q. And then the line below --13 Α. Oh, it's there. So there's -- yes, so 14 there's -- right okay. Well, yes, the 9.36 that's possibly -- that's 15 a bit -- I don't quite understand that. Is it 9.36? 16 17 I assume they were all 9.38 actually because --18 Well, it may be that that's my eyesight and Q. bad reproduction. 19 20 LADY JUSTICE THIRLWALL: It's 9.36. I can't understand why there would be two 21 Α. 22 different times actually. I assumed it was 9.38. 23 At all events, there's at least a two-minute Q. 24 gap --

25 A. Yes.

99

1 patient care notes. 2 The doctors' notes were all paper and then they 3 would be scanned on to what we call Evolve, usually 4 quite some time later, so we wouldn't have access to all the information about the patient at that time. 5 6 Q. Would the nursing notes, if you looked at 7 them, that you did have access, to tell you whether or not a patient had been prescribed insulin or had 8 9 received insulin? 10 Α. They were very variable as to what detail was in them. A lot of it was things like details about 11 their feeds, et cetera, and so it would vary from one 12 baby to another or one patient to another what detail 13 was in those particular notes, so it wouldn't 14 necessarily say what medication they were given. 15 16 Q. But it might? 17 Α. It might, but it wouldn't always. 18 Q. So let's look at that verifying, because you 19 mention that second timing in your witness statement, so 20 if we look back towards the bottom where we were looking 21 at 9.38 we can see the VER and then the time 9.40. 22 Α. Yes 23 Q. So just tell us, what is the significance of 24 the verification step of the procedure? 25 Α. Well, if you're actually verifying after you 98 1 Q. -- for at least most of these results --2 Α. Yes. 3 Q. -- as against the verification, and so just 4 looking back at your practice at the time, what might be 5 an explanation for the fact that you haven't just 6 pressed "Enter" to verify the results? 7 Α. That I tried to contact someone with the 8 results. And I would -- I would hold back the verification because if you do manage to speak to 9 someone then you can put a comment -- electronic comment 10 to that effect on the -- on the report before it's 11 12 verified. 13 Q. Does it follow from that answer that if 14 have -- once you verified it you can't then add 15 a comment? 16 Α. It's not very straightforward, you have to go back to a process to edit and everything, so it's much 17 more straightforward to wait until you've actually 18 spoken to someone and then put -- you could just put P, 19 phoned, and there's a little box came up to say what 20 time you'd phoned it, et cetera. So you would tend to 21 22 hold back until you'd actually phoned the result 23 through.

24 So the fact that there was no comment there but

25 there was that gap makes me think I had tried to phone 100

1	but hadn't actually been successful in speaking to	1	Q. Now, I would like to going back to the word
2	anyone at that stage.	2	that you used earlier about it being a puzzle or you
3	Q. A combination of the delay to verify but the	3	were experiencing some puzzlement with this.
4	lack of a comment put together in your mind means,	4	Just explain to us, please, in your own words, why
5	"I did call, but nobody answered"?	5	you think that this result is "puzzling" as opposed to
6	A. Well, it could be I called and somebody	6	perhaps "worrying" or "of concern" or "ringing alarm
7	answered but I wasn't able to speak to the person	7	bells", why do you choose the word "puzzling"?
8	I needed to speak to. As I said before, what can	8	A. I suppose I was probably influenced, perhaps
9	sometimes happen I mean, it may be there was no	9	falsely, as it turns out, by the fact that this was
10	answer but it could be that someone answered, I asked to	10	a baby that had been on the neonatal unit since birth
11	speak to the doctor looking after this baby, and the	11	and, therefore, I guess the idea that anyone was trying
12	whoever it was had told me that they were either not on	12	to deliberately harm babies would have been, you know,
13	the unit or they might have been doing a procedure, they	13	a very, I suppose, unthinkable or at least so horrifying
14	might have been on a ward round and, therefore, they	14	as to not really want to go there. I think it was
15	weren't available to come to the phone.	15	I think probably was that would be my process of
16	So I would have then made a note of that with the	16	thought that surely not.
17	view to try and speak to them later. But I	17	Q . Can I just ask you about
18	especially if I did think they were on the ward round,	18	A. And I didn't as I say, I had no knowledge
19	then verifying the result would be sensible because they	19	of any problems on the neonatal unit at that stage, so
20	may then see that result while they were on the ward	20	I I wasn't working within the context of, you know,
21	round.	21	there having been unexpected problems on there.
22	Q. Having verified it, is it then posted to the	22	Q. You've talked us through your thought proces
23	electronic records?	23	about how you couldn't really conceive of how somebod
24	A. Yes, it goes directly to the clinical notes	24	could be doing harm deliberately. But I think we'd
25	then so they can see it.	25	correct me if I'm wrong, but we'd already established
1	that this is one of three possibilities and you don't	1	you would expect from someone flagging a medication
2	have to jump straight to that. Before you get there,	2	error?
3	this could have been a serious medication error.	3	A. Yes.
4	Again, just your word "puzzled", if you're	4	Q. And so I just it's my last question really
5	recognising the possibility it might be a serious	5	about the your use of the word "puzzle" and
6	medication error as the best case, surely you would be	6	"puzzlement". It's just as you've used that word both
7	concerned or worried?	7	in your witness statement and in your oral evidence,
8	A. Well, I think both. I mean, obviously, yes,	8	looking back on it, do you think you will have seen this
9	I would be "puzzled" I suppose is not sure of what	9	as more of something that is intriguing and confusing as
10	the possible explanation is and concerned enough to want	10	opposed to a serious cause for concern? Do you think
11	to phone and make sure that it's seen by the staff.	11	your choice of language just reflects that that is
12	Yes, obviously I would be concerned.	12	likely to have been your mental state back in 2016?
13	But I puzzled I suppose was because I was faced	13	A. Well, at the time obviously as I say,
14	with a set of results that didn't there didn't seem	14	I don't remember that date or any of the events around
15	to be a reasonable explanation for and, as you say, the	15	this from actual memory. I think I would have just
16	explanations that could be would be disturbing.	16	looked at these results as being something that required
17	Q. Medication errors are well-recognised problem,	17	explanation and I would look for further further
18	isn't it?	18	information in order to try and explain them.
19	A. Yes.	19	I can't remember what my thought processes were
	Q. It does happen. And if it had happened, it	20	the time.
20	would be absolutely imperative, do you agree, that	21	Q. Had you heard of the case of Beverley Allitt?
20 21	everybody on the ward knew about it so that they could	22	A. I was I was vaguely yeah, I mean, I have
	everybody off the ward knew about it so that they could		
21	make sure no harm was done, make sure the patient is	23	heard of heard that name, yes.
21 22	make sure no harm was done, make sure the patient is	23 24	-
21 22 23			-

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1 Α. Possibly. I'm not sure whether I was aware at 2 2016. But, I mean, I am now, yes. 3 Q. I mean, we also know of a case relatively 4 locally to the Countess in 2011 when a nurse used 5 insulin to kill two patients. Were you aware of that 6 case in Stepping Hill? 7 Α. Probably, yes. 8 Q. And so although it was a difficult thing to 9 conceive of it wasn't impossible to imagine because it 10 had happened in reality, do you agree with that? Yes, but I suppose you always tend to think 11 Α. those as being one-offs and you don't expect them to be 12 in your own institution, I suppose. It's something 13 you -- I mean, if I -- I had been aware that there had 14 been problems with babies on the unit, then obviously 15 16 this would have been a huge red flag, but at that stage 17 I had absolutely no knowledge of any problems on the 18 unit. 19 So it was like having a piece of a jigsaw but 20 I didn't actually know there was a jigsaw. So, you know, it was standing alone as an isolated result, and 21 22 obviously looking at it now it's very obvious what it 23 was saying, but at that time I -- I guess I just 24 didn't -- it didn't fire that suspicion. 25 Do you think it should have? Not with the Q. 105 1 of the telephone call that you received and you don't 2 have a positive memory of having spoken to anybody on 3 the ward about this. 4 Α. No. 5 Q. I would just like to examine that, 6 acknowledging -- and we'll come back to your notes and 7 the fact that they'd been destroyed -- but if you had 8 had the sort of thought process that we've been 9 discussing, in other words at best this is a medication error which really urgently needs to be addressed, in 10 11 the context of results that you had never previously 12 seen before, do you think you would have remembered 13 a conversation with a doctor about those results? 14 Α. I don't know 15 Just on an ordinary human level, and you tell Q. us about your experience, but human beings tend to 16 17 remember exceptional, alarming, concerning events ahead of ordinary run-of-the-mill events, and I'm just 18 inviting you to consider whether -- if you had thought 19 20 in those terms whether you would have had a memory of having phoned it through, spoken to somebody, told them, 21 22 "Look, there's a problem here, you really need to look 23 closely at this"? 24 Α. I mean, I've racked my brains, you know, to 25 try and think about what I can remember of this case,

- 1 benefit of hindsight, but just knowing about Stepping
- 2 Hill, seeing those results, knowing that the child was
- 3 almost hypoglycaemic, do you think it should have at the
- 4 time caused you to recognise that there was potentially
- 5 a very serious problem here?
- 6 A. Yes. I mean, I don't know that I didn't
 - recognise there was a problem, but I probably didn't
- 8 have that deliberate harm at the top of my list.
- 9 I think -- I suppose I was hoping that there would be
- 10 some sort of explanation that was less sinister than
- 11 that.

7

- 12 Q. Had you ever before in your career come across
- 13 that combination of hormonal profile, so where there was
- 14 no explanation from the in-house tests for the
- 15 hypoglycaemia or virtual hypoglycaemia and you had
- 16 a C-peptide and insulin level like that?
- 17 A. Probably not. But I don't look at a lot of
- 18 these results. I mean, we did a search of 10 years of
- 19 C-peptide and insulins recently and there were over 300,
- 20 but only 23 of them were from neonates, so that's only
- 21 a few a year, and obviously I would have seen a --
- 22 a proportion of those but not meant -- not all of them,
- 23 so it wasn't a set of results that I was used to looking
- 24 at frequently.

25 **Q.** And as you've told us, you had no -- no memory 106

- 1 and the trouble is the more you think about it the more
- 2 you can come up with snippets of conversation that you
- 3 think may be -- may be related, but I couldn't reliably
- 4 say that anything I remember is either real or is
- 5 related to this case in particular.
- 6 I mean, we do get unusual results that we discuss7 with doctors quite regularly. I mean, as duty
- 8 biochemists you look at 2 or 300 sets of results a day,
- 9 so it's not unusual to see results that are difficult to
- 10 explain or -- or, you know, unusual you might want to
- 11 talk to someone about.
- 12 So in that context, you know, I don't remember.
- 13 And, you know, I genuinely can't say that I have
- 14 memories of that -- of any conversation.
- 15 **Q**. If we just think about how that conversation
- 16 would have worked. You would have said, "These are the
- 17 results." Presumably you would have said, "This
- 18 indicates the child has been injected with insulin or
- 19 given insulin in some way and it's caused them to become
- 20 hypoglycaemic." Is that the sort of thing that you
- 21 would be saying?
- 22 A. Well, yes, along those lines that this was
- 23 a result that -- yes, that tended to indicate insulin
- 24 administration and that was -- you know, we'd try to
- 25 understand how that could have happened.

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4

Yes, and what they had at the ward level that 1 Q. 2 you may have had access to but you may not have is 3 absolute confirmation about whether that child was 4 prescribed insulin, and so presumably you would have said, "I think you need to go and check whether that 5 6 child was prescribed insulin because if they were, they 7 might have been given too much, and if they weren't, 8 we've got a really big problem." Is that the sort of 9 thing that you'd be saying to the doctor? 10 A. I think what I probably would have said is that this, "These results suggest it the child has been 11 given insulin and I don't really understand how that 12 could have happened in these circumstances and obviously 13 that needs looking into." 14 15 I mean, whether that was something the doctor would 16 know offhand or whether they would have to go and check, 17 I don't know. I mean, we do tend to find that if results are registered as being unexpected and they're 18 19 often set aside as unusual, a quirk, laboratory error, 20 especially in a situation where -- which was the 21 situation here that the patient was no longer 22 hypoglycaemic, so it's not unusual for us to ring 23 results through and then for people to say or not even to say, to just go away and actually just note that 24 25 there doesn't seem to be anything to explain it but 109 1 a concern about these results, that the doctor then 2 wouldn't write it down? I appreciate ultimately it will 3 be down to the doctor, but is that what you would expect 4 to happen? 5 A. No, it's not what I expect. But, again, it 6 would depend on where the doctor was when I spoke to 7 them. You know, it's all speculation really about, you 8 know, what -- I know they did have the results and they did comment on them in the notes. They did say the 9 C-peptide insulin ratio was low, so they did comment on 10 it. But, you know, I can't say what happened beyond 11 12 that. 13 Q. That comment you're referring to is the 14 following day on the ward round. 15 Α. Yes. 16 Q. So not in the context of any conversation with 17 you. 18 Α. No. Did you have access to the Datix system? 19 Q. 20 Α. Yes. 21 Do you think that these results merited Q. 22 a Datix report from you? 23 Well, they may have merited a Datix. Α. 24 I suppose the question would be who would have the information to complete that Datix. 25

111

- 1 we'll just put it to one side.
- 2 **Q.** There was no question of any error with the

test here, though, was there?

- A. No, but that doesn't stop the clinician
- 5 sometimes believing that that might be an explanation.
- 6 **Q.** But isn't that where your role comes in to say
- 7 "I've no reason to think this is wrong", with all your
- 8 expertise in the lab, it's come from Liverpool, they've
- 9 got excellent quality assurance process, "I'm satisfied,
- 10 as far as I can be, that this is right, you can't
- 11 dismiss this, you need to look into it", isn't that part
- 12 of your role speaking to the doctor?
- 13 A. Yes, but the decision about whether they
- 14 actually say that it's -- if they went away and then
- 15 found it had a result that was -- didn't fit in with
- 16 what they expected and the baby was quite well, they
- 17 might have just noted that it was unusual but not -- not
- 18 actually taken any further action, which I think was the
 19 case with another child in the -- in the --
- 20 **Q.** There is a note for Child F. By contrast
- 21 there isn't -- and I think you've satisfied yourself of
- 22 this, there is no corresponding note for Child L.
- 23 Again, putting these things together, is that
- 24 what -- would you expect that if you'd spoken to
- 25 a doctor and communicated to them that there was 110
- Q. But did you have enough information here to
 complete a Datix so that a further investigation could
 take place?
- 4 **A.** I suppose in retrospect I may well have done.
- 5 But, yes, I didn't -- I didn't do that. As I say,
- 6 I probably felt I didn't have the complete picture at7 that stage.
- 8 Q. You say with retrospect, in fact with the9 information you had at the time, do you think you did
- 10 have information to do a Datix or that you had
- 11 insufficient?
- 12 A. I think it would have been necessary to have
- 13 a bit more information about the patient before
- 14 completing it. So it could have been after
- 15 a conversation, I suppose, or it may have been
- 16 reasonable depending on what the conclusion about the
- 17 results was for the doctors on the unit to have done it.
- 18 **Q.** Does the fact that you didn't complete a Datix
- 19 tend to suggest you didn't speak to a doctor or do you20 regard that as a neutral factor?
- 21 A. No, I don't think I would necessarily have
- 22 completed a Datix on the basis -- on regardless of
- 23 whether or not I had spoken to the doctor.
- 24 Q. I mean, did you see yourself as under
- 25 an obligation to complete a Datix when there were

1	potential clinical issues that needed further	1	not particularly unusual. Obviously in retrospect it
2	investigation?	2	would have been helpful to have had that diary.
3	A. Yes, I suppose I did. But, again, at the	3	Q. So if you had a conversation with a doctor in
4	laboratory side of things we do have a limited amount of	4	which you conveyed important information about the
5	information available and so where there are patients	5	patient, would you write that in your diary as opposed
6	involved we do often rely on the clinicians actually	6	to on any record accessible to anybody else?
7	doing a lot of the investigation because they have more	7	A. Well, usually I would put something in the
8	information. But, yes, in retrospect it may have been	8	on the may have put something on the comment, but
9	a reasonable thing to do.	9	obviously the difficulty is you have to be a little bit
10	Q. Your notes which have been destroyed and,	10	careful about what you put in comments because if they
11	therefore, you can't refer to them to say definitively	11	are speculative, they are obviously visible to a lot of
12	one way or the other whether you had such a telephone	12	people. So I would probably put a usually put some
13	call, just help us to understand why your notes would	13	sort of comment on on the result if there was
14	have been destroyed?	14	a conversation.
15	A. Well, my practice is to use a diary each year	15	But the records of the conversations generally
16	and I have at the end of each day I write down my	16	I probably would have anticipated if they were relevant
17	tasks for the following day and then if anything comes	17	to the case, the doctor themselves would perhaps note
18	up that I need to do, I add to it. So that's the sort	18	them down. I didn't have anywhere other than my own log
19	of place I would have written down any phone calls	19	to write them down. I didn't have access to the patient
20	I needed to make.	20	notes to write anything.
21	I don't keep those diaries for more than a couple	21	Q. But you could write a comment on on the
22	of years because generally we have relied on the audit	22	system.
23	trails on the laboratory computers. I think most of my	23	A. I could write a comment well, if I hadn't
24	colleagues have had paper-based telephone logs and they	24	edited it I could have written a comment on the result
25	don't tend to keep them for long periods either, so it's	25	but you would be a little reluctant to put something
1 2	speculative on there because, you know, for example, if you said this could be a case of, you know, insulin	1 2	clinical notes at that point. There was nowhere else for us to document it.
2 3	administration, it it wouldn't necessarily be	3	Q. And who had overall responsibility for that
4	something you if you then are proved wrong that you	4	system?
4	something you if you then are proved wrong that you would want on that record forever.	4 5	
	would want on that record forever.		system? A. The
4 5 6	would want on that record forever. So like the comment that Dr Davies put, it's	5 6	system? A. The Q. The system that meant that you couldn't write
4 5 6 7	would want on that record forever. So like the comment that Dr Davies put, it's they tend to be rather than anodyne comments that sort	5	system? A. The Q. The system that meant that you couldn't write on the patient records what advice you'd given to
4 5 6 7 8	would want on that record forever. So like the comment that Dr Davies put, it's	5 6 7	system? A. The Q. The system that meant that you couldn't write on the patient records what advice you'd given to
4 5 6 7	would want on that record forever. So like the comment that Dr Davies put, it's they tend to be rather than anodyne comments that sort of highlight something but they don't give the full picture.	5 6 7 8	 system? A. The Q. The system that meant that you couldn't write on the patient records what advice you'd given to A. Well, it was the Q a doctor?
4 5 7 8 9	 would want on that record forever. So like the comment that Dr Davies put, it's they tend to be rather than anodyne comments that sort of highlight something but they don't give the full picture. Q. It would be entirely my question I'm 	5 6 7 8 9	 system? A. The Q. The system that meant that you couldn't write on the patient records what advice you'd given to A. Well, it was the Q a doctor? A. Well, it was the hospital computer system, so
4 5 7 8 9 10	 would want on that record forever. So like the comment that Dr Davies put, it's they tend to be rather than anodyne comments that sort of highlight something but they don't give the full picture. Q. It would be entirely my question I'm talking about in the event that you had a conversation 	5 6 7 8 9 10	 system? A. The Q. The system that meant that you couldn't write on the patient records what advice you'd given to A. Well, it was the Q a doctor? A. Well, it was the hospital computer system, so that was the way it was configured. I don't know
4 5 7 8 9 10 11	 would want on that record forever. So like the comment that Dr Davies put, it's they tend to be rather than anodyne comments that sort of highlight something but they don't give the full picture. Q. It would be entirely my question I'm talking about in the event that you had a conversation with the clinician, that wouldn't be speculative at all, 	5 6 7 8 9 10 11 12	 system? A. The Q. The system that meant that you couldn't write on the patient records what advice you'd given to A. Well, it was the Q a doctor? A. Well, it was the hospital computer system, so that was the way it was configured. I don't know I mean, obviously that's just the way the system was.
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4 5 7 8 9 10 11 12 13 14	 would want on that record forever. So like the comment that Dr Davies put, it's they tend to be rather than anodyne comments that sort of highlight something but they don't give the full picture. Q. It would be entirely my question I'm talking about in the event that you had a conversation with the clinician, that wouldn't be speculative at all, that would you recording the key points that you had conveyed. 	5 6 7 8 9 10 11 12 13	 system? A. The Q. The system that meant that you couldn't write on the patient records what advice you'd given to A. Well, it was the Q a doctor? A. Well, it was the hospital computer system, so that was the way it was configured. I don't know I mean, obviously that's just the way the system was. The current system we have now would allow us to do that but that system didn't, so we
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(29) Pages 113 - 116

necessarily find useful. For example, there was 1 2 supposed to be, when it was introduced, an endorsement 3 function where it could be seen that clinicians had 4 actually reviewed the result and it could be shown that 5 they had actually reviewed it. That never -- that 6 functionality was never realised. 7 So I think there were a lot of limitations within 8 that system. I suppose it was relatively old. 2002 it 9 was introduced. But I have to say, I never really 10 thought about having that functionality and I don't know whether we would have been able to introduce it or not. 11 12 Q. Finally on the destruction of your records, 13 just to understand, we know that in June of 2017, so just over a year after any record that you would have 14 written in your diary, that one of the doctors on the 15 16 ward drew attention to a potential anomalous insulin 17 result that they could recall, that was in June of 2017, very shortly after the police were contacted for the 18 19 first time. 20 What was your awareness of whether there was any 21 investigation going on by the police into events on the 22 neonatal unit? Did you know in 2017? 23 Α. No. I think the first thing I knew about it was in 2018 when -- I mean, obviously I knew that --24 25 I knew -- I think it was during 2018 I realised there 117 1 I'm just going to headline them for you. You describe 2 those changes as "fundamental". Is that a fair 3 description of the extent of them? 4 Α. I thought I'd said that the -- fundamentally 5 things hadn't changed but we'd made some --6 Forgive me -- well, it is important that you Q. 7 correct me if I get it wrong. 8 Well, what I think I said was the fundamental Α. 9 processes of how the laboratory works in terms of the analytical validation, et cetera, hadn't changed but 10 there were differences to how we -- we recorded the duty 11 12 biochemist role and telephone, et cetera. 13 Q. Then that is entirely my misremembering. 14 There is now an electronic transfer between labs. 15 No, there isn't? Α. 16 Q. There isn't? 17 Α. Well, we aspire to it, and we've aspired to it for probably well over a decade, but we haven't been 18 able to implement it. 19 20 There is a system called Empex which we've been trying to instigate for many, many years. We never 21 22 managed it. We are Meditech system. We'd hoped when 23 our newer one, Cerner, came in it would work, and now 24 we've been told we had to wait until the Cerner upgrade, which happened last month, so it's a piece of work that 25 119

1 were problems on the unit. My understanding is that the

2 first approach to the laboratory for insulin results was

3 in October 2018. I think someone spoke -- at that stage

4 spoke to my colleague, Dr Lewis.

5 Q. And was it by that date that you had -- or
6 before that date that you had destroyed your diary for
7 2016?

8 A. No, I probably hadn't because I didn't

9 appreciate my connection with this case until later,

10 because it was only when I got all the printouts from

11 the laboratory that I realised that I'd had any

12 involvement with that particular case. So it was

13 probably later than that. I would usually keep them

14 a year or two and then dispose of them in the

15 confidential waste.

16 **Q.** Do you think that once you realised that the

17 police were investigating matters that touched upon your

18 laboratory's operation that you should have kept your19 records then?

20 A. Well, as I say, it was towards the end of

21 2018, so I don't -- I don't know that I would have -- it

22 would have occurred to me at that stage that that was

23 something that was required.

24 **Q.** Now, you deal in your statement, Dr Bowles,

25 with a number of changes that have occurred since, and 118

1 we have been waiting for for many, many years but it

2 hasn't -- it hasn't been realised yet.

3 **Q.** What about the number of duty biochemists, are

4 there the same number --

5

6

- A. Yeah, we have --
- **Q**. -- or are there more?

7 A. We have more staff now. We have -- there's

8 myself and the Consultant scientist who replaced

9 Dr Lewis, and then there are -- there's another

10 Consultant chemical pathologist who's 50% Chester and

11 50% Wirral, Arrowe Park Hospital, and there's also

12 a scientist -- a band 8A scientist who splits between

13 the two sites as well. And then we also at the moment

14 have a specialist Registrar, quite a senior specialist

15 Registrar who is attached to the department. So there's

16 now five of us that we are now able to share the duty

17 biochemist rota.

18 Q. In terms of the particular issue of insulin

19 and C-peptide, what is the level of understanding within

20 the lab about the potential significance of such

21 a result?

22 A. Well, I think we are all very attuned to the

23 possibilities. As I say, we -- we've tried to instigate

24 a regular review of the insulin C-peptide results.

25 I mean, very few of them are neonates. As I say, we 120

only get -- probably get an average of two or three 1 2 a year, neonates but we obviously are scrutinising them 3 more carefully. 4 O. How about the approach to the telephone log, 5 is that the same or different? 6 Α. No, we have a shared electronic telephone log 7 now, which was introduced, and this means all the people who are duty biochemists use it to record telephone 8 9 conversations, either the ones they've received or ones 10 they have telephoned out, so it's there as a permanent document. We also have on that document an instruction 11 to follow up any phone calls with an email confirmation 12 13 of the conversation, particularly if it's -- if it's resolved. And we also have another note to say that if 14 we've been phoned by a referral laboratory we must phone 15 16 that result through. 17 Q. And what about the glucose result and 18 Liverpool, which historically they were not provided 19 with and needed to contact --20 Α. No, we do --21 Q. -- you about? 22 Α. We do -- it's not -- it's still not 23 the perfect system, we do try to make sure those results are -- are sent. I think we haven't quite got it right 24 25 yet sometimes. It basically involves us writing the 121 1 I mean, we -- we are sort of thinking about the 2 sort of results that we could scrutinise and see whether 3 there's any likelihood of safeguarding issues. It's

- 4 quite difficult, though, because without the sort of
- 5 clinicians' prompting we don't have often samples that
- 6 are very clear-cut. I mean, obviously insulin and
- 7 C-peptide have been highlighted as one. We've -- we
- 8 have had urine samples, toxicology screens from a child
- 9 recently where there was cocaine in it. So that was
- obviously a flag. But the GP was aware of that, that's 10
- 11 why they'd sent the sample.

20

- 12 So, you know, us just looking at the samples in
- 13 isolation is -- there are some that are obvious but
- 14 a lot of them would not be obvious because the results
- would be not really specific to anything in particular. 15
- But certainly better communication in terms of the sort 16
- 17 of things they are concerned about would be helpful.

18 MR DE LA POER: Dr Bowles, those are all my 19 questions.

- Questions by LADY JUSTICE THIRLWALL
- 21 LADY JUSTICE THIRLWALL: Thank you, Mr De La Poer.

22 Dr Bowles, just can I pick up on something you were

- 23 just describing, which is that some results are not
- 24 obvious and some aren't clear-cut, but I think you
- accept that the insulin C-peptide result was very 25

123

- result on the form that goes off to the Liverpool. 1
- 2 I had hoped that maybe one thing we could do is
- 3 actually send them the glucose sample and they could
- 4 analyse it themselves. But then, of course, we need to
- analyse it probably too to make sure it's worth sending 5
- 6 the samples, because if the child is not hypoglycaemia,
- 7 then it's probably not going to be helpful. So there
- are still some quirks -- slight flaws in the system but 8
- 9 we are working to try and improve it.
- 10 And finally this, are there any other changes Q.
- that, in your view, need to be made that haven't yet 11
- been made or aren't in train to be made? 12
- 13 Well, as I say, the electronic transmission of Α.
- requests and results would obviously be very helpful. 14
- I mean, I think one of the things that came out of this 15
- 16 for me is that the paediatricians perhaps didn't share
- 17 their concerns. I mean, I know it's a -- it was
- 18 a sensitive issue and it's difficult, but if we had
- 19 known that there were problems on the unit, then these
- 20 results would have been so much more significant to us
- 21 and we could have been very helpful. So there is a sort
- 22 of, you know, is it reasonable for them to think about,
- 23 if there are concerns, possibility of blood results
- being important? We do tend to be sidelined a little in 24
 - the laboratory medicine side.
 - 122
- 1 clear-cut.

25

- 2 In looking at it now it was certainly very Α. 3 supportive of, you know, the scenario that -- that was 4 of concern. 5
 - LADY JUSTICE THIRLWALL: Yes. I mean, irrespective
- 6 of a scenario, it was still a very clear-cut result and
- 7 what it meant, I'm not going to ask you about again, you
- 8 have been through that.
- 9 Can I then turn to something else you mentioned,
- which was about the sort of records and the availability 10
- of the records, and you said there was no way you can 11
- make a record on the patient notes, and you said, 12
- "I could have walked over to the ward." 13
- 14 I appreciate that's not something you did on this 15 occasion -- I'm assuming it's not something you did on 16 this occasion?
- 17 Α. No.

18 LADY JUSTICE THIRLWALL: Has there ever been

- a situation when you would have done that? I'm not 19
- 20 suggesting there should have been, I would just like to
- 21 know --
- 22 I have occasionally actually gone to the wards Α.
- 23 with a problem. I mean, with -- you know, where --
- 24 particularly if the wards that were close to the
- 25 laboratory, or I might have nipped on to the ward and 124

1	just sort of had a word with them. In that case I might	1	you for c
2	have scribbled in the notes to say, you know, this is	2	you ioi c A.
3	what I thought.	3	MR
4	But, generally, we don't tend to write in the	4	going to
5	notes. But, as I say, with the new system we could	5	me.
6	raise a clinical note and actually write something now,	6	LA
7	but there wasn't a place for us to do that at that time.	7	Nov
8	LADY JUSTICE THIRLWALL: And just what you just	8	going to
9	said, "But we don't tend to write in the notes", so	9	Ms Brow
10	I would just like to understand what difference it makes	10	MS
11	that you can now write in the notes. Do you actually	11	LAI
12	write in the notes?	12	introduce
13	A. I haven't had I mean, I do write in the	13	practical
14	notes for my own patients that I see.	14	take in to
15	LADY JUSTICE THIRLWALL: Sure. Yes.	15	a break?
16	A. I haven't really had cause to do so that I can	16	MS
17	think of for any other patient as yet, but that	17	two hour
18	functionality is does exist.	18	whether
19	LADY JUSTICE THIRLWALL: Thank you. Anything else.	19	through,
20	MR DE LA POER: No, thank you, my Lady.	20	LAI
21	LADY JUSTICE THIRLWALL: Dr Bowles, thank you very	21	say we w
22	much for coming this afternoon. I know that was	22	3 o'clock
23	a change from the arrangements that had been made	23	
24	A. Yes.	24	MS
25	LADY JUSTICE THIRLWALL: but we're grateful to	25	from 52 o
	125		
1	being involved in the clinical care of babies on the	1	of babies
2	indictment at or around the time of collapse and/or	2	My
3	death, or who were connected with the events that took	3	worked a
4	place on the neonatal ward between June 2015 and	4	who has
5	June 2016. This included doctors from the most senior		
		5	investiga
6	to the most junior, including Consultants, GP trainees,	5 6	investiga relevant
6 7			-
	to the most junior, including Consultants, GP trainees,	6	relevant
7	to the most junior, including Consultants, GP trainees, resident doctors carrying out specialist paediatric	6 7	relevant the Inqui
7 8	to the most junior, including Consultants, GP trainees, resident doctors carrying out specialist paediatric training, and locums.	6 7 8	relevant the Inqui Hav
7 8 9	to the most junior, including Consultants, GP trainees, resident doctors carrying out specialist paediatric training, and locums. Statements were obtained from doctors with	6 7 8 9	relevant the Inqui Hay compiled
7 8 9 10	to the most junior, including Consultants, GP trainees, resident doctors carrying out specialist paediatric training, and locums. Statements were obtained from doctors with established careers at the hospital and from those who	6 7 8 9 10	relevant the Inqui Hay compiled best assi
7 8 9 10 11	to the most junior, including Consultants, GP trainees, resident doctors carrying out specialist paediatric training, and locums. Statements were obtained from doctors with established careers at the hospital and from those who spent six months training at the Countess of Chester or	6 7 8 9 10 11	relevant the Inqui Hay compiled best assi provision
7 8 9 10 11 12	to the most junior, including Consultants, GP trainees, resident doctors carrying out specialist paediatric training, and locums. Statements were obtained from doctors with established careers at the hospital and from those who spent six months training at the Countess of Chester or worked for brief periods as a locum.	6 7 8 9 10 11	relevant the Inqui Har compiled best assi provision seeking t
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7 8 9 10 11 12 13 14 15 16	to the most junior, including Consultants, GP trainees, resident doctors carrying out specialist paediatric training, and locums. Statements were obtained from doctors with established careers at the hospital and from those who spent six months training at the Countess of Chester or worked for brief periods as a locum. In addition to doctors who worked on or in connection with the neonatal unit during the relevant period, a small number of doctors who worked at neighbouring hospitals but who were deemed likely to	6 7 8 9 10 11 12 13 14 15 16	relevant the Inqui Har compiled best assi provision seeking t that shou witnesse Following witnesse
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- coming and you're free to go now. Thank you. R DE LA POER: My Lady, the balance of the day is be occupied by Ms Brown. If you will excuse ADY JUSTICE THIRLWALL: Thank you, Mr De La Poer. ow, I understand there's going to be -- you're be reading out summaries of evidence, wn --S BROWN: Yes. ADY JUSTICE THIRLWALL: -- and I'll leave you to e that. My only question is a completely I one. Firstly, how long do you think it will total and when do you think we should take 2 S BROWN: Well, I think it will take about rs, possibly slightly less. So it's really a break before or whether a break part way , I'm in your hands. ADY JUSTICE THIRLWALL: All right. Well, shall we will go for 45 minutes, have a break at k. Ms Brown. Summary of Doctors' Evidence S BROWN: My Lady, the Inquiry received statements doctors who are identified by the Inquiry as 126 es in hospital and the culture of the hospital. y Lady, I should emphasise that anyone else who at the Countess of Chester between 2015 and 2017 s direct knowledge and experience of matters under ation by the Inquiry and considers they have evidence to provide is encouraged to contact iry via the Thirlwall Inquiry website. aving received written statements, the Inquiry d a provisional list of those witnesses who could sist the Inquiry with oral evidence. This nal list was circulated to all Core Participants their submissions on any additional witnesses ould be called to give oral evidence or on es to be removed from the provisional list. ng that process, a final proposed timetable of es for the oral hearings was circulated to all articipants. y Lady, for the purpose of these oral hearings, w read out a summary of evidence from some of tors who have not been called to give oral e Katherine Lyddon started her career as ation doctor at the Countess of Chester Hospital. rked in the paediatric and neonatal department
 - 25 from January 2015 to September 2015. Dr Lidden comments 128

positively on the "good teamwork and camaraderie between 1 2 the junior medical and nursing teams". However, she 3 notes that, at the time, "Consultants weren't very 4 present on the neonatal unit due to covering both 5 paediatrics and neonates". 6 Consultant neonatal wards at this time occurred on 7 two days a week, and Dr Lyddon comments: 8 "... from memory, there was some resentment from 9 the nursing staff that the Consultants weren't more 10 present." 11 Despite this, Dr Lyddon was of the view that "the quality of relationships on the neonatal units didn't 12 affect the care received by the patients". 13 14 As with other doctors undergoing their training in paediatrics, Dr Lyddon rotated around hospitals, moving 15 16 approximately every six months. Dr Lyddon's evidence is 17 that when she moved to Liverpool Women's Hospital in September 2015 as part of her training there were: 18 19 "... some general comments that [the Countess of 20 Chester Hospital] was having a tough time and lots of difficult cases. From memory these were generic 21 22 comments between nursing and medical staff." 23 Whilst at the Countess, Dr Lyddon was involved in 24 the cares of Child A and Child B and can, she says: 25 "... recall discussions between paediatric trainees 129 1 was Dr ZA's interpretation of the results." 2 Dr Lyddon's evidence is that she had no suspicions 3 about Letby but refers to: 4 "... vague memories of there being various 5 discussions at points about the unusually high number of 6 collapses and deaths on the unit." 7 She goes on to say: "I recall being aware at some point that the 8 9 consultants collectively raised concerns and were considering potential reasons. One potential reason 10 I remember being considered was if the TPN ([the] total 11 parenteral nutrition bags), could be contaminated or 12 issues with equipment." 13 14 Dr Lyddon does not recall any safeguarding training covering what to do if there were concerns that a member 15 of staff was abusing patients, nor does she recall any 16 17 specific training on processes around a child death. 18 Had she had any concerns at the time she says she 19 would have spoken to a Consultant and that: 20 "... as an extremely junior member of staff, I wouldn't think to take concerns outside of the Trust 21 22 as a first point of action." 23 However, Dr Lyddon says: 24 "... if I had concerns now (as a consultant) would speak to other consultant colleagues in the first 25 131

and NNU nursing staff that the rashes [or] skin changes, 1 2 seen in both babies, [were] unusual and no one had seen 3 anything similar before." 4 Dr Lyddon says: "I personally did not have any suspicions about 5 6 Child A's death and Child B's collapse." 7 Dr Lyddon was also involved in the care of Child E and Child, F, being present at their birth. She sets 8 out in her statement that in relation to Child F she: 9 10 "... documented four results relating to the 11 hypoglycaemia (hypo) screen sent on 5 August 2015." 12 Dr Lyddon also put in the notes that she discussed 13 the results with Dr ZA and recorded: 14 "D/W discussed with Dr ZA -- insulin high, 15 c peptide low -- unusual for hypoglycaemia." 16 Dr Lyddon states she can not recall how she 17 received the results, nor can she recall the conversation with Dr ZA. She says: 18 19 "... as a junior member of medical staff I didn't 20 appreciate the relevance of these results." 21 She goes on: 22 "As they were results I was unfamiliar with 23 interpreting I discussed them with the consultant responsible that week, Dr ZA. I assume I documented the 24 25 word 'unusual' after my discussion with Dr ZA as that 130 1 instance. I would then want to discuss with the Medical Director and seek advice from my defence union and the 2 3 RCPCH about where to go next." 4 Dr Gail Beech worked as a junior doctor at the 5 hospital during a similar period, between January 6 and September 2015, returning to work at the hospital 7 again after June 2016. Like Dr Lyddon, she also refers 8 to the issue of Consultant rounds stating: 9 "... when I returned to work at the hospital after June 2016, the most noticeable difference ... was 10 that there was a consultant led ward round on the NNU 11 daily compared to twice per week before this date, and 12 13 a named consultant responsible specifically for the NNU 14 every day, rather than it being covered by the Consultant also on duty for General Paediatric. This 15 felt like a positive change." 16 17 Dr Beech cannot recall any negative relationships between staff. Her view now as a Consultant and based 18 on experience throughout her career is that 19 20 relationships between staff do affect the quality of 21 care being given to babies and comments on: 22 "... positive relationships impacting positively 23 and vice versa." 24 Dr Beech says that whilst working as a junior 25 doctor: 132

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1	"I was not aware of how deaths on the NNU were
2	usually investigated."
3	In relation to safeguarding training, she states
4	that while she kept up to date with training:
5	"I cannot specifically recall it being mentioned
6	during any of this training about abuse on the part of
7	a member of staff towards babies or children in
8	hospital."
9	Dr Beech says she was not on shift when Child A
10	died and was not fully aware of the circumstances
11	surrounding his death. Neither was she on duty when
12	Child B collapsed.
13	She notes, however, that Child C's death:
14	" was unexpected event to me personally as he
15	had overall been making progress and the last time I had
16	seen him on 12 June 2015, he had been very stable."
17	Dr Beech does not recall any discussion about any
18	possible similarities or connections between the death
19	of Child A, Child C and Child D and the collapse of
20	Child B. She states that she was "never worried about
21	the number of deaths on the NNU", noting that she had
22	not worked at a Level 2 NNU prior to her time at the
23	Countess of Chester and thus, "did not have anything to
24	compare it to".
25	Many of the junior doctors working on the NNU at
	133
1	NNU."
1 2	NNU." Dr Hor was present at the start of the
2	Dr Hor was present at the start of the
2 3	Dr Hor was present at the start of the resuscitation attempts for Child A and notes that:
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1	the time were	either	completing	their	two	vears'

foundation training or, like Dr Lyddon and Dr Beech, on 2

a six-month placement at the hospital as part of their 3

specialist paediatric training. 4

Dr Christopher Woods gives a slightly different 5

- 6 perspective, as he was a GP trainee carrying out
 - a paediatric neonatal placement. He comments positively
- on how "supportive" the Registrars and Consultants were 8
- during his placement. 9
- 10 Dr Woods was present at Child A's collapse and
- death. He does not recall being invited to a debrief 11
- and goes on to reflect: 12
- 13 "I do think that this should have occurred ... the
- death of Child A was the first neonatal resuscitation 14
- I had been resolved in and a debrief would be important 15
- 16 for staff wellbeing as well as learning from the
- 17 process."

7

- 18 On the broader topic of debriefs, Dr Woods says:
- 19 "I feel that any member of staff involved in
- 20 a resuscitation effort (successful or not) should be
- invited for a debrief about this." 21
- 22 Dr Hor, like Dr Woods, worked at the hospital as
- 23 a GP trainee between February 2015 and August 2015 and 24 describes:
- 25 "... a safe and supportive work culture on the 134
- 1 the future."
- 2 Dr Beebe recalls in her police statement an
- 3 occasion where she saw Letby crying inside room saying:
- 4 "It's always me when it happens."
- But is unable to recall when this occurred. 5
- 6 Dr Beebe says this did not concern her as her
- 7 interpretation of the event was that Letby "had an
- unfortunate run of shifts". Dr Beebe states that she: 8
- "... did not have any suspicions about Letby during 9
- my time on the NNU and was not aware of any concerns 10
- being raised about her." 11
- Dr Simon Greaves also worked on the NNU as part of 12
- his GP training during the period from August to 13
- 14 December 2015. In contrast with most other trainee
- doctors, he did not "feel particularly welcome there." 15 He described: 16
 - "... an unpleasant atmosphere and not
- a particularly collaborative one between doctors and 18
- nurses on the NNU." 19

17

- 20 Dr Greaves states that he was not aware of the
- 21 suspicions or concerns of the others about the conduct 22 of Letby.
- 23 Dr Veronika Jiraskova was also a GP trainee at the
- 24 hospital working in the paediatric team between
- 25
- August 2015 and February 2016. Like Dr Greaves, her 136

1	doctors, nurses and midwives at the hospital."
2	She also notes that:
3	" the atmosphere on the NNU was caring and
4	friendly, with respect for relationships between medical
5	and nursing staff."
6	Dr Rylance had involvement in the care of Child C
7	and Child D. She has no independent recollection of
8	Child C and was not on duty when Child C died.
9	In relation to Child D, she notes in her statement
10	to the Inquiry:
11	"I was surprised when I learned of Child D's death,
12	since when I left the hospital at the end of my shift on
13	21st June 2014, I believe Child D was improving
14	clinically and would have a positive outcome."
15	She adds:
16	"To the best of my memory, I don't believe I was
17	involved in any debrief. I believe that there should
18	have been a debrief relating to the death of Child D and
19	that I should have been involved, even if it occurred
20	after I had left the Trust."
21	Dr Sally Ogden, now a Consultant neonatologist,
22	worked at the Countess of Chester Hospital from
23	March 2015 to September 2015 as a paediatric Registrar.
24	She notes that:
25	" as far as I was aware there was a good
	138
1	statement of my involvement in relation to Child A's
1 2	statement of my involvement in relation to Child A's care and the events that occurred, rather than including
	care and the events that occurred, rather than including opinion or speculation. At that time, I was not aware
2	care and the events that occurred, rather than including
2 3	care and the events that occurred, rather than including opinion or speculation. At that time, I was not aware that there was a concern about any individual staff member on the unit and I had not worked on the unit
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	care and the events that occurred, rather than including opinion or speculation. At that time, I was not aware that there was a concern about any individual staff member on the unit and I had not worked on the unit since September 2015." Dr Ogden says: "With the knowledge now of what occurred on the unit, my opinion that the death was unexpected may have been relevant, but at the time I provided a factual account of my involvement of the events and was aware that the death was being reviewed by the Coroner." Dr Ogden was also involved in the care of Child C and says that on being informed of his death at morning handover she was "surprised". She was also involved in the care of Child F and Child I. In her statement Dr Ogden says: "I do recall finding the number of collapses or deaths on the unit at that time as unusual and concerning. I am unsure specifically when this appeared to me as unusual, but it is likely to be around the time of several of these collapses/deaths that occurred within a few weeks of each other in June 2015. Whilst I do not recall that I specifically approached any
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	care and the events that occurred, rather than including opinion or speculation. At that time, I was not aware that there was a concern about any individual staff member on the unit and I had not worked on the unit since September 2015." Dr Ogden says: "With the knowledge now of what occurred on the unit, my opinion that the death was unexpected may have been relevant, but at the time I provided a factual account of my involvement of the events and was aware that the death was being reviewed by the Coroner." Dr Ogden was also involved in the care of Child C and says that on being informed of his death at morning handover she was "surprised". She was also involved in the care of Child F and Child I. In her statement Dr Ogden says: "I do recall finding the number of collapses or deaths on the unit at that time as unusual and concerning. I am unsure specifically when this appeared to me as unusual, but it is likely to be around the time of several of these collapses/deaths that occurred within a few weeks of each other in June 2015. Whilst

experience of time on the NNU was less positive than 1 2 others: 3 "I found that the unit did not feel like a team 4 that was working in a cohesive way, with some doctors disliking others ... I did not enjoy my time on the 5 6 unit." 7 She continues: 8 "... the team spirit in general did not feet 9 healthy." 10 She adds: "... people were talking about behind one another's 11 back and GP trainees were generally looked down at." 12 13 However, Dr Jiraskova notes that things became better the longer she was there and as she "got to know 14 the people". Dr Jiraskova notes that she was 15 16 "completely unaware of the suspicions or concerns of 17 others about the conduct of Letby", discovering the allegation only through the media. 18 19 She expresses in her statement her personal "great 20 doubts" that Letby "has committed the crimes that she 21 denies" 22 Dr Sarah Rylance worked part-time as a paediatric 23 Registrar at the hospital from February 2014 to 24 July 2015. She describes the existence of: 25 "... a positive and supportive relationship between 137 1 relationship between the nurses, midwives, junior 2 doctors and the consultant team." 3 Dr Ogden had been involved in caring for Child A, 4 and in her police statement said that Child A's death 5 came "completely out of the blue". 6 In her statement to the Inquiry Dr Ogden explains 7 that Child A: 8 "... had been stable for a preterm baby with stable 9 blood results and requiring relatively moderate support." 10 11 Dr Ogden was involved in requesting an urgent post-mortem for Child A and was also involved in the 12 care of Child B. 13 14 Dr Ogden states that: 15 "... the verbal post mortem initial findings did not identify a treatable cause for Child A's death or 16 give an indication for the cause of Child B's collapse." 17 Dr Ogden gave evidence at the Coroner Inquest for 18 Child A on 10 October 2016 both orally and in the form 19 20 of a written statement. In addressing the issue of why she did not include in her statement to the Coroner, 21 22 dated 23 February 2016, that Child A's death was 23 unexpected, Dr Ogden says: 24 "The reason this was not included was because I understood my statement to the Coroner was a factual 25

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I believe the whole department was discussing this 1 2 informally as being unusual and that the senior 3 Consultant team were raising this and investigating what could have caused this. However, at my level I would 4 not have been involved in these specific discussions. 5 6 I felt confident that the Paediatric Consultants were 7 taking the rise in deaths seriously." 8 Dr Ogden goes on to say in her statement to the 9 Inquiry: 10 "During my time working at the Countess of Chester, I was not aware of any specific concerns regarding 11 Letby. I only found this out from the newspaper reports 12 13 at a later date and from contact from the police." Dr Alison Ventress, now a Consultant neonatologist, 14 worked at the hospital as a paediatric Registrar on 15 16 a number of rotations during her training, including 17 during the periods March 2015 to October 2015, and 18 January to March 2016. 19 Her evidence to the Inquiry is that: 20 "I think most doctors and nurses had good professional relationships and respected each other's 21 22 roles and worked together well." 23 However, she adds: 24 "There was a feeling from the NNU nurses that the 25 NNU was an afterthought for many doctors and that 141 1 "was not aware of the raised insulin and low c-peptide" 2 adding that: 3 "These results usually takes days to weeks to 4 arrive and Child F was transferred to another hospital 5 by then." 6 Dr Ventress was involved in the care of Child G on 7 7 September 2015 and notes in her evidence that: 8 "Child G's deterioration was not expected as she 9 had been stable previously. However, unexpected deteriorations are not infrequent in any Neonatal 10 Intensive Care unit especially in babies born extremely 11 premature like Child G and it can happen for several 12

- 13 reasons."
- 14 In relation to debriefs Dr Ventress says:

15 "Debriefs were held after unexpected deaths, but it

16 was always difficult to find a time when all staff

- 17 involved were able to attend at the same time. I do not
- 18 feel a formal debrief was needed for any of the babies
- 19 named in the indictment that I was involved with as none
- 20 of the deteriorations led to death at that time."
- 21 Dr Ventress says she "was not aware of any
- 22 suspicions about Letby" whilst she was working at the
- 23 hospital and only became aware that Letby had been
- 24 removed from clinical practice during a conversation
- 25 with Nurse T who Dr Ventress was friends with outside 143

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- 1 paediatrics took priority and the NNU was second place.
- 2 However, I think this mainly reflected the bigger
- 3 workload on paediatrics compared to the NNU, which meant
- 4 that doctors of all levels spent more time in the
- 5 paediatric ward."

- 6 Dr Ventress says:
 - "... there were cliquey friendship groups amongst
- 8 some of the neonatal nurses, but I didn't see this
- 9 affecting the care given. I remember general
- 10 dissatisfaction from some nursing staff with the
- 11 management, but I can't remember any specific details."
- 12 Dr Ventress was involved in the care of Child F and
- 13 recalls a morning review on 5 August 2015 on the "Grand
- 14 Round" when all babies on the NNU were discussed in
- 15 a round-table meeting, not cot side, with the Consultant
- 16 of the week and the neonatal nurse in charge present
- 17 along with junior doctors. She says:
- 18 "... from reading the notes, the initial general
- 19 thought to the medical team for the cause of the low
- 20 sugars combined with tachycardia was possible sepsis."
- She notes that the plan was to insert a new longline and that:
- 23 "... there were no concerns that anything untoward24 had happened."
- 25 Dr Ventress' evidence to the Inquiry is that she 142
- 1 work.
- 2 In common with other doctors, Dr Ventress refers to 3 undertaking safeguarding training noting that: 4 "... there was nothing specific in respect to abuse 5 by a member of staff." 6 She goes on to say: 7 "If I had any concerns in that regard, I would 8 initially have spoken to one of the Consultants for 9 advice." 10 Dr Ventress says that as a Registrar she: 11 "... did not have any training at that time on the processes and organisation involved in reviewing child 12 deaths such as Child Death Review, Sudden Death in 13 14 Infancy [or] Childhood and the Coroners Office." 15 She adds: 16 "I cannot remember what the process is and procedures were for raising concerns within the hospital 17 in 2015-2016 as I have worked in so many different 18 hospitals before and since then." 19 20 Dr Andrew Brunton, now a Consultant neonatologist, worked at the hospital for a number of periods during 21 22 his paediatric training. Notably he worked as 23 a paediatric Registrar between February and July 2015.
- 24 His view was that:
- 25 "... team working between doctors nurses and 144

1	midwives at the hospital was excellent."
2	He recalls a "supportive culture" and describes the
3	Consultants on the neonatal unit as "supportive and
4	approachable", and the nursing staff as "hard working
5	and conscientious".
6	Dr Brunton was involved in the care of Child A,
7	Child C and Child D. In his statement to the Inquiry,
8	he describes the death of both Child A and Child C as
9	"unexpected".
10	In relation to Child D, Dr Brunton describes
11	contacting the Consultant on-call due to an "unusual"
12	rash and:
13	" an unusual pattern of behaviour for a baby who
14	had been clinically stable previously."
15	He goes on to say:
16	" it was clear that Child D's episode of
17	deterioration and subsequent death were completely
18	unexplained."
19	On the subject of debriefs, Dr Brunton says:
20	"I would have expected a debrief to have been held
21	regarding the death of Child D. If a debrief for
22	Child D was held, then I would have expected to be
23	invited as I was involved in the resuscitation efforts
24	of the baby at the time of their death. However, if it
25	occurred on a day when I was not on duty, then it may
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1	collapsed and died. He adds that in his statement to
2	the Coroner he did not make any links regarding the
3	death of Child C and Child D and the collapse of Child B
4	as it had never been suggested to him that the incidents
5	were linked, noting that he left the Trust approximately
6	four weeks after Child D's death and was unaware of any
7	ongoing concerns regarding the neonatal unit at that
8	point.
9	Dr Soni, now a Consultant paediatrician, was
10	working as a Registrar at the hospital between
11	September 2015 and February 2016. Dr Soni states that
12	she had no concerns about working relationships in the
13	hospital and describes the paediatric department as
14	"a popular place to work". Noting that:
15	" We as trainees had a lot of respect for the
16	consultants and they were all very supportive."
17	Dr Soni's evidence is that:
18	"I was not particularly worried about the number of
19	deaths but I thought it was strange."
20	She states that she:
21	" was not aware and had no idea of the
22	suspicions and concerns of others about the conduct of
23	Letby I had never considered the possibility that someone was harming the babies "
24	Someone was narring the names

- 24 someone was harming the babies."
- 25 In relation to debriefs, Dr Soni notes:

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- 1 not have been practical for me to attend as I lived in
- 2 Liverpool at the time."
- 3 Dr Brunton says he was unaware of any suspicions or
- 4 concerns regarding Letby. He notes that he completed
- 5 all the required safeguarding training but says he does:
- 6 "... not recall any modules that specifically
- 7 focused on abuse by a member of staff to a baby."
- 8 He goes on to say:
- 9 "... if this situation was suspected in my own
- 10 hospital I would initially turn to my consultant
- 11 colleagues, senior neonatal nursing staff colleagues as
- 12 well as the senior management team."
- 13 Whilst Dr Brunton says he cannot recollect training
- 14 about when to raise concerns or suspicions regarding
- 15 a colleague who is harming patients, he was aware in
- 16 2015 of professional organisations that could be
- 17 approached with specific concerns, including the Care
- 18 Quality Commission, GMC, General Medical Council,
- 19 NHS England and the local -- Child Death Overview Panel.
- 20 In relation to the Inquest for Child A, Dr Brunton
- 21 sets out that he was contacted by Dr Jayaram in relation
- 22 to providing a statement for the Coroner in
- 23 February 2016. Dr Brunton says he did not mention the
- 24 rash on Child A as he had not seen any such rash,
- 25 noting, however, he was not present when Child A 146

1	"I think there should be a process with the
2	neonatal unit to discuss all collapses [or] arrests in
3	a structured way and all the members involved in the
4	baby's care should be informed about the outcome."
5	In common with other doctors, Dr Soni's evidence is
6	that:
7	"I do update my safeguarding training regularly as
8	part of my mandatory training and revalidation but there
9	is no training about abuse or harm from members of staff
10	to children and babies."
11	Dr Soni states that if faced with a safeguarding
12	concern in the context of suspicion or abuse by a member
13	of staff towards babies or any patient she would raise
14	this via their manager and "seek advice from the Trust
15	safeguarding team" and "share information accordingly
16	and escalate".
17	Dr David Harkness was a paediatric Registrar at the
18	Countess of Chester from 2014 to 2016. He describes
19	feeling "very well supported by my consultant and
20	nursing colleagues", and describes a "friendly
21	atmosphere", noting that he:
22	" felt that the relationships between staff on

- 22 "... felt that the relationships between staff on
- 23 the unit had a positive impact on the care of the
- 24 patients."
- 25 Dr Harkness describes his upset following what he 148

refers to as "unexpected" death of Child A. In relation	1	Addin
to debriefs he says:	2	Addin " at
"I do think that 'hot debriefs' those immediately	3	this being d
after the event and 'cold debriefs', those held over the	4	to raise it a
coming days or weeks are very beneficial for staff as	5	discolourati
well, as well as trauma counselling, which is now	6	medication
becoming common in practice."	7	established
Dr Harkness did attend a Neonatal Mortality Meeting	8	two."
on 26 November 2015 when Child I's case was discussed.	9	In his
However, he comments:	10	and as nam
" these meetings tend to review the events in	11	Dr Harknes
the notes and identify any learning. It is not	12	training. He
a comprehensive review of the case."	13	" no
Dr Harkness was also involved in the care of	14	training rela
Child E. In his statement to the Inquiry he describes	15	staff toward
being called to review Child E by Letby on the evening	16	knowledge
of 3 August 2015 and there being a subsequent episode of	17	training req
sudden substantial bleeding which he considered to be	18	Rega
"out of nowhere" and something he had "not seen before	19	death, Dr H
or since".	20	"I do r
Dr Harkness goes on to say:	21	training reg
"Child E then suddenly deteriorated and I noted	22	[Sudden
a strange discolouration over his body."	23	during my t
Dr Harkness says that he: " had seen this before in Child A"	24 25	describe it a this to form
149	25	
a brief overview as part of wider safeguarding	1	experience
training."	2	Dr En
Dr Harkness also sets out in his statement to the	3	worked at t
Inquiry his view that:	4	September
" coroners are not extensively trained and	5	being "frien
experienced in neonatal death to challenge the	6	the nurses
information given."	7	aware of ar
He also comments:	8	trainee doc
"I feel strongly that where there is no clear	9	a trainee ar
evidence of cause of death and/or death was not	10	between do
anticipated 24 hours previously, these deaths should be	11	comfortable
managed following SUDiC [or] PRUDIC protocols [PRUDIC	12 13	on the fact " sta
being the Welsh equivalent of the Sudden death in childhood protocol] with wider discussion with Named	13	ask to rotat
Doctors for safeguarding and/or child death, alongside	14	a positive w
coroners and the Police where appropriate. Named	16	supportive.
Doctors for child death must encourage and actively take	10	Dr Th
part in discussions when children die on the NNUs and	18	Child B and
must be involved in perinatal morbidity and mortality	19	learning that
discussions The experience and background of the	20	She w
Named Doctors will vary, with some having very little	21	discussed t
neonatal experience and it is essential that they	22	part of the i
consider and respect the opinions of colleagues with	23	resuscitatio
neonatal experience, and consider seeking guidance from	24	"As fa
other Named Doctors especially those with neonatal 151	25	and death v

Add	lina
Aut	uuq

t this time, I did not have any concerns of

due to malicious activity and had no reason

as a concern ... whilst the unusual

tion was strange Child E was on different

ns and fluids to Child A and no link could be

d from a medical point of view between the

s current role as a Consultant paediatrician

med doctor for safeguarding children,

ss has received extensive safeguarding

lowever, he states that he has:

ot received any specific safeguarding

lating to suspected abuse of patients by

ds babies or children in hospital ... to my

e this is not commonly included in the level of

quired of any paediatrician".

arding training on procedures following a child

Harkness says:

not remember there being any in depth

garding CDOP [Child Death Overview Panel] or

n Death in Children] or coronial procedures

training, as such, I would certainly not

as comprehensive. I would not have expected

n a core part of our training other than 150

e."

mily Thomas, now a Consultant paediatrician, the Countess of Chester from March 2015 to er 2015. She describes the neonatal unit as ndly", saying that it was "easy to work with on the neonatal unit", and that she was not ny "negative relationships". Like many of the ctors she describes feeling "supported" as and comments that she felt that "communication loctors and nurses was good", and that she felt le "asking for help and advice". She comments that: aff tended to enjoy working there and would te there because it was known to be working environment and the consultants were homas was involved in the care of Child A and d describes being "really surprised" on at Child A had died. was also involved in the care of Child D and the rash on Child D with Dr Brunton. She was medical team involved in the attempted

on of Child D, she says:

ar as I am concerned, Child D's deterioration

were an unexpected event."

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Dr Thomas comments in her statement to the Inquiry: "Following the resuscitation, I recall that Letby commented that 'this is the second baby that this has happened to. This has happened to me a couple of times.' This did not strike me as particularly unusual, however, I think what stood out to me was how upset Letby was. At the time, immediately after we stopped resuscitation, we were all very much in shock and quietly upset. Letby was visibly upset and needed comforting. At the time I attributed this to the fact that she had recently been at the resuscitation and death of another baby, and therefore found the similar situation more difficult to cope with." Dr Thomas has a specific recollection in relation to debriefs. She recalls being asked by Consultant Dr Newby to produce a PowerPoint presentation containing a timeline of events and results from Child D's case to generate wider discussion at the joint paediatric and obstetric Morbidity and Mortality meeting. Like other doctors, Dr Thomas emphasises her view that: "... a debrief or discussion about any serious incident is important." She comments in particular in relation to Child E whose care she was involved in: "I remember being worried that I had missed 153 suspicions of a member of staff harming a patient". She goes on to say: "I am not aware of any training that covers this." Dr Thomas, in reflecting on events in her statement, sets out the following: "Closer scrutiny of neonatal deaths also now occurs, which is a good thing, as often lessons can be learnt to improve clinical practice and provide higher quality care. Currently [regionally] all neonatal deaths are being discussed with the Coroner. This practice should continue. It would also be helpful for junior members of staff in all health professional teams, who night not have a good understanding of NHS management systems to know how to escalate concerns easily. There should be regular reminders about how to access this process. This would also be useful for rotating junior doctors who may not be familiar with the Trust they are working in." Dr Verghase worked on the Countess of Chester Hospital during his training notably between September 2015 and 2016 as a paediatric senior house officer. He subsequently returned, working at the hospital between September 2016 and March 2017 as a Registrar. Dr Verghase states that there was: 155

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something so I think that a debrief would have been
 helpful."

Dr Thomas's perspective from her current position

as a Consultant is that as a trainee with limited

experience the number of deaths:

"... did not stand out to me at the time. As

7 a rotating trainee, I would not have known about the8 bigger picture."

9 She notes that she had previously worked at the10 Liverpool Women's Hospital, which, as a Level 3 unit.

Liverpool Women's Hospital, which, as a Level 3 unit,
 cared for sicker babies, so her experience of what was

- 12 normal was probably influenced by this. She goes on to 13 say:
- 14 "It is only since working as a more senior doctor

15 on other Level 2 neonatal units that I have gained the

- 16 breadth of experience to note how unusual the number of
- 17 deaths and unexpected collapses were. For example,
- 18 I have only been on shift for the death of one baby in
- 19 a Level 2 neonatal unit in the last nine years."

20 Dr Thomas comments that she has safeguarding

21 training which is renewed every three years and that at

22 the hospital where she is currently employed training

- 23 includes additional annual face-to-face training. She
- 24 notes, however, that the safeguarding training she has
- 25 received "does not cover what to do if there are 154

1	" always a good relationship between medical
2	professionals (doctors nurses midwives and others) at
3	the hospital and that is why I requested to go back to
4	work at the [Countess of Chester Hospital]."
5	Dr Verghase comments that:
6	" at other units I have worked in there would
7	have been a consultant face to face review of NNU
8	patients 1 to 3 times a day. However, when working at
9	the [Countess of Chester Hospital] if I had any concerns
10	with regard to any specific neonate all the consultants
11	were responsive to my earns and would have seen the
12	neonate either of their own accord or if I requested."
13	Dr Verghase says he did not have any concerns or
14	suspicions about Letby. However, he adds:
15	" over the years I have seen NHS whistleblowers
16	so persistently poorly treated that it would make me
17	very nervous to raise my concerns if I ever had any."
18	Dr Katherine Davis underwent her two years
19	foundation training at the Countess of Chester from 2009
20	to 2011 and then returned during her paediatric training
21	working at the hospital from March 2015
22	to September 2015. Dr Davis comments that she:
23	" never had any concerns about the quality of

- 24 care provided to the babies on the neonatal unit."
- 25 She noted also that:

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"... the Consultants were some of the most 1 2 supportive I have ever worked with. I always felt able 3 to escalate concerns to my supervising Consultant and 4 I felt confident in the clinical and non-clinical advice and support offered to me ... the paediatric department 5 6 in the Countess of Chester hospital always had a good 7 reputation with paediatric trainees." 8 It was Dr Davis who was crash called on 9 13 June 2015 when Child C collapsed. She attended and 10 assisted in the resuscitation, requesting that the on-call Consultant, Dr Gibbs, attend. Dr Davis says in 11 her statement to the Inquiry: 12 13 "... we always think about the 'why' something may have happened ... in this case, there was no obvious 14 explanation as to what may have caused Child C's 15 16 unexpected collapse." 17 She goes on to say: "The lack of explanation for the collapse was 18 19 unusual but more unusual was the lack of response to 20 resuscitation and the complete lack of heart rate at the time of my arrival." 21 22 Dr Davis is now a Consultant paediatrician and goes 23 on to explain: 24 "The total absence of a heart rate despite 25 effective airway management, chest compressions and 157 1 an event) and cold (held a few days or weeks after the 2 event) debriefs are much more embedded in practice in 3 the present day than I remember it being back in 2015-2016." 4 5 Dr Davis also says in her statement to the Inquiry: 6 "During my 6-month rotation at the [Countess of 7 Chester Hospital] in 2015, it became clear that we were 8 experiencing an above average range of death and 9 collapses. As a group of trainees, we discussed if we felt we were missing something. Due to the small number 10 11 of middle grades and close working of the team it was, and still is, common practice to debrief informally with 12 completion following a stressful event. As a result, we 13 14 all knew that other babies had collapsed unexpectedly and in atypical ways. When we attended regional 15 teaching or local paediatric courses colleagues would 16 17 ask if we were doing okay as they had heard that we were having a particularly bad run in the [Countess of 18 19 Chester Hospital]." 20 However, Dr Davis adds: 21 "I was not privy to any concerns being expressed as 22 to the collapses being unnatural in cause or because of 23 substandard care." 24 LADY JUSTICE THIRLWALL: Would that be a convenient 25 moment?

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1 resuscitation medication were not something I had 2 experienced before, or indeed since." Dr Davis does recall attending a debrief following 3 4 the death of Child C led by Dr Gibbs and focusing on the 5 care delivered. 6 Dr Davis says in her statement to the Inquiry: 7 "The collapse and subsequent death of Child C was 8 something I reflected on for a long time afterwards." 9 She adds: 10 "I have subsequently been involved with a case where a child suffered from an air embolism (a known but 11 rare complication of a surgical procedure) which led to 12 cardiac arrest. The child's heart started beating again 13 after a period of time, presumably when the air from 14 within the circulation dissipated." 15 16 Dr Davis also addresses debriefs in her statements: 17 "The role of debriefs has become a lot more embedded in practice in the intervening years since the 18 19 death of Child C. During my early training, including 20 during the time covered by the Inquiry, debrief sessions 21 were often fairly informal. They were 'are you okay?' 22 type discussions. Over time, debriefs have become more 23 formal in terms of that it is held at a pre-arranged 24 time with invites sent to all staff involved. The role 25 of both hot (which is held in the immediate aftermath of 158 1 MS BROWN: Yes. LADY JUSTICE THIRLWALL: And I think we can see 2 3 that we are just over halfway through, so I think your 4 two-hour estimate was rather pessimistic. 5 MS BROWN: Yes. LADY JUSTICE THIRLWALL: So we will break now and 6 7 come back at 20 past 3. 8 (3.01 pm) (A short break) 9 10 (3.20 pm) 11 LADY JUSTICE THIRLWALL: Yes, Ms Brown. MS BROWN: Dr Peter Fielding, now a Consultant in 12 13 paediatric emergency medicine, worked at the hospital at 14 the start of his specialist paediatric training between 15 September 2015 and March 2016. He says that: 16 "... the consultant team at the Countess of Chester 17 had (and continues to have) a strong reputation amongst paediatric trainees in the Mersey Deanery for being 18 a committed highly professional and welcoming team who 19 20 care about their trainees and provide a good learning 21 experience for trainee doctors." 22 He describes the Consultant team as: 23 "... a very visible presence on the wards and 24 always accessible."

25 He adds:

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"I can say that the Consultant team at the Countess 1 2 of Chester during my placement there were one of the 3 most supportive, passionate and caring teams that I have worked in." 4 5 In his statement to the Inquiry Dr Fielding says: 6 "I do recall wondering whether the number of babies 7 who deteriorated or died during my time at the Countess 8 of Chester was high. I had no reference point to 9 compare this against as I had never worked in 10 neonatology before, and I remember voicing this question to one of my registrars at the time Dr U. From what 11 I can recall, Dr U agreed the number of collapse 12 episodes seemed high, but that his overall feeling was 13 that this was a bad or unlucky run, which can happen at 14 times." 15 16 Dr Fielding says: 17 "... at no point during my six-month placement at the Countess of Chester was I aware of the suspicions or 18 19 concerns of others about the conduct of Lucy Letby. 20 Nobody discussed any concerns about Lucy Letby directly 21 with me." 22 Dr Fielding was involved in the care of Child G, 23 being called to attend on 21 September 2015 following an incident when Child G had vomited and oxygen levels had 24 25 fallen. Dr Fielding reflects as follows: 161 1 that the quality of care was always of the highest 2 standard " 3 She adds: 4 "I felt the nursing staff were highly skilled and 5 competent." 6 Dr Chang described the system of debriefs that 7 operated at the time as follows: 8 "With regard to debriefs, they do occur but not 9 always formally. If for instance there is a death of a baby there will be an immediate debrief with anyone 10 who is present. After a couple of days a Consultant 11 would catch up with you and discuss what happened 12 13 possibly during a weekly ward round. There were formal 14 debriefs that would be instigated by Consultants. The staff involved with a particular baby that died would 15 get an invite to a debrief." 16 17 Dr Chang was involved in the care of Child I. In her statement to the police she says: 18 19 "Child I had almost regular events where she would 20 be really sick and then 'bounce back'. Matt Neame [that's Dr Matthew Neame] had been resuscitating poor 21 22 Child I every night shift then every morning at handover 23 I would be like 'Oh my God, Poor Child I and poor you,' 24 and then would have a day shift of where we would say "Oh, she's not been too bad' as she had seemingly 25 163

"Taken as an isolated episode this is not the sort 1 2 of incident that would lead to a debrief or any form of clinical incident reporting. In the wider context of 3 4 a significant number of babies having unexpected collapse episodes however, maybe a flagging up of each 5 6 unexpected collapse episode would have demonstrated 7 a pattern of repeated unexpected collapse and deterioration on the unit." 8 9 In relation to safeguard training, Dr Fielding says 10 he does not recall being given specific training on what to do where abuse on the part of a member of staff 11 towards babies or children in a hospital is suspected. 12 13 However, he says: 14 "... despite this, I am confident that had I suspected such behaviour, I would have known how to 15 16 escalate my concerns to senior safeguarding figures at 17 the Trust." 18 Dr Rachel Chang worked at the hospital as 19 a paediatric Registrar between September 2015 and 20 April 2016. She says she: 21 "... never felt any hesitation in being able to 22 approach Consultants to escalate issues or concerns." 23 She goes on to say: 24 "I always felt supported and always felt that there 25 was a consistent consultant presence on the NNU. I felt 162 1 recovered quite quickly." 2 Dr Chang goes on to explain in her statement to the 3 Inquiry: 4 "I never questioned why Child I had been so unwell 5 on the night shifts compared to her relatively stability 6 during the days. During my previous neonatal placement 7 some babies were just repeatedly unwell, as they were 8 fragile and unpredictable at times." 9 Dr Chang goes on to say: 10 "... it had not entered my mind as a possibility 11 that incompetence or deliberate harm might be causative 12 of Child I's nighttime deteriorations." 13 Dr Chang was also involved in attempts to 14 resuscitate Child I on the night of 23 October when she died. In relation to debriefs regarding Child I's 15 death, Dr Chang states she discussed her involvement 16 17 with Dr Gibbs the Consultant who was called to assist the resuscitation but does not recall attending a formal 18 debrief. Dr Chang clarifies that: 19 "... this does not mean that formal debrief did not 20 21 occur." 22 She adds: 23 "I am sorry I do not have a clearer memory of 24 this." 25 In relation to debriefs generally Dr Chang says in 164

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1 her evidence to the Inquiry: 2 "Ideally all staff involved in an episode where 3 a child dies should be at the debrief but this is very 4 difficult to coordinate in a timely fashion when the 5 multiple professionals involved are all working on 6 different shift patterns." 7 In relation to safeguard training, Dr Chang 8 confirms she has received safeguarding training but 9 that: 10 "I cannot recall having received specific training on what to do if abuse is suspected by a member of staff 11 but I know that if I had such a concern I would be able 12 13 to raise this and immediately escalate to the doctor and lead nurse for safeguarding." 14 15 Dr Chang recalls having formal training by the 16 Mersey Paediatric Deanery on Sudden Death in Infancy or 17 Childhood and how to report cases to the Coroner, although cannot recall formal training about Child Death 18 19 Reviews. 20 Dr Rhiannon Austin worked as a paediatric Registrar at the hospital between September 2015 and March 2016 21 22 and from September 2016 to March 2017. Dr Austin 23 comments on the fact that she felt that: 24 "There was generally a good relationship between 25 medical professionals (doctors, nurses, midwives and 165 1 hospital I was aware of colleagues who had very 2 difficult shifts on the NNU, but as I was a relatively 3 junior doctor and I wasn't sure if this was a natural 4 fluctuation in mortality, as can sometimes happen, or if 5 it was something to be concerned about. I recall having 6 informal conversations with consultant colleagues and 7 that they were reviewing the situation." 8 Doctor S worked at the hospital from March 2016 9 to September 2016 and comments:

- 10 "I always felt very well supported and happy with
- 11 the whole team."
- 12 Doctor S goes on to say:
- 13 "In terms of the culture at the Hospital, as
- 14 compared to other hospitals that I had worked at as part
- 15 of my training rotations, I would say the culture at the
- 16 Hospital was one of the most supportive, friendly and
- 17 approachable places to work within the region. Trainees
- 18 would, and still do, request to work at the Hospital due
- 19 to the positive culture within the paediatric and
- 20 neonatal departments."
- 21 Doctor S goes on to say in relation to concerns or 22 suspicions:
- 23 "I had not heard of any problem regarding the
- 24 quality of care, quality of management, supervision
- and/or support for doctors at the Hospital in 2016.

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- 1 others) at the hospital."
- 2 And that Consultants:
 - "... were always supportive and available for
 - advice."
 - She goes on to say:
- 6 "I would say that my consultant colleagues at the
- 7 Countess were more approachable and supportive than at
- 8 other hospitals I have worked at ..."
- 9 Noting also:
- 10 "... as a junior doctor in training, the paediatric
- 11 department at the Countess of Chester was known to be
- 12 a lovely place to work at and trainees enjoyed being
- 13 placed there due to the supportive and approachable
- 14 consultant body."
- 15 In her statement to the Inquiry, she says that she:
- 16 "... was aware that between junior colleagues there
- 17 were informal discussions about how sad it was that
- 18 there had been a number of sick babies and that it must
- 19 be difficult for the nursing staff of the NNU and the
- 20 doctors involved with those patients as well as their21 families."
- 22 Dr Austin says in her statement to the Inquiry:
- 23 "I was worried about the number of deaths on the
- 24 unit. During the first few months as an ST3 [that's
- 25 a third year of specialist paediatric training] at the 166
- 1 I had heard that there were some unusual or complex

2 collapses/deaths, but there was nothing regarding the

- 3 quality of care/support for trainees."
- 4 In referring to knowledge of processes used to
- 5 review a child death, Dr S emphasises the difference in
- 6 training depending on a doctor's experience, noting7 that:

8 "It is only since becoming a consultant that the
9 process of Child Death Review and Child Death Overview
10 Panels have been more understood. As a trainee, sudden
11 death is not a common experience that you see ... Trusts
12 have a Child Death Overview Panel representative ... you
13 may not know about that as a trainee unless you have

- 14 encountered a sudden death."
- 15 Doctor S was involved in the care of Child O and
- 16 describes the information that Child O and Child P had
- 17 died as being:
- 18 "... a total shock to me."
- Doctor S was also involved in the care of Child Qand she notes:
- 20 and she holes. 21 "I would no
 - 1 "I would not have been able to predict from
- 22 Child Q's presentation that they would deteriorate so
- 23 suddenly."
- 24 Doctor S's recollection is that she became aware
- 25 that others had concerns about Letby in the last couple 168

of months before she moved rotation, so in July supportive, friendly and a well-run department so a good 1 1 2 and August 2016, once Letby had been moved off the ward. 2 placement." 3 She describes: 3 Notably she comments on an: 4 4 "... environment that welcomed discussion of cases "... general discussion within the team, that 5 Lucy Letby had been present at the time of many of the that had confused or upset us." 5 6 collapses and resuscitations of the babies." 6 Dr Burke acknowledges however that having assisted 7 Dr James Smith worked as a locum Registrar at the 7 in the resuscitation of Child P: 8 Countess of Chester Hospital for a three-week period 8 "I felt quite anxious and sad when I was on the 9 in February 2016. During that period, he was involved 9 neonatal unit but I put this down to my own distress of 10 in the care of Child K. One of the things that 10 having been called to assist in the resuscitation for Dr Smith, now a paediatric Consultant, recalled from 11 a baby who did not survive." 11 this brief period at the hospital was a conversation 12 Later in her statement Dr Burke says: 12 with Dr Gibbs who told him that there had been a number 13 "In the years since, I have been part of 13 of deaths on the neonatal unit over the past year and a resuscitation team for more paediatric and neonatal 14 14 they were worried but were not sure why this was cardiac arrests. In the monitored environment of an NNU 15 15 16 happening. Dr Smith says of this conversation, that 16 I have never again, since Child P, attended a neonatal 17 whilst he was unable to remember the exact words: 17 cardiac arrest where the cause was entirely unknown." 18 "I remember being concerned by how worried Dr Gibbs 18 She describes the rapidity of Child P's 19 seemed and this has stayed in my memory long after 19 deterioration and his continued cardiac arrests despite 20 working there." 20 initial successful resuscitation as: 21 21 Dr Jessica Burke worked as a junior doctor at the "... entirely unique for me now with my subsequent 22 Countess of Chester Hospital at various points in her 22 8 years of experience." 23 training including from March 2016 to September 2016. 23 Dr Burke comments that when she worked at the 24 24 She describes the paediatric department as having: Liverpool Women's Hospital on a much larger tertiary 25 "... a positive reputation in that it was busy but 25 neonatal unit, there were Advanced Nurse Practitioners, 169 1 and that she considers their presence enhanced the 1 With the clinical and safeguarding lead being 2 educational opportunities and support for trainee 2 notified along with a management representative, as well 3 doctors and that this fed into improving care for 3 the Child Death Overview Panel and the Medical Examiner. 4 patients. 4 Dr Burke also expresses the view that: 5 5 "The potential for healthcare staff inflicted harm Dr Burke adds: 6 "In retrospect I now also wonder whether the 6 on patients needs to be covered by medical and nursing 7 culture of having ANPs [Advanced Nurse Practitioners] 7 education programmes." 8 who are employed long term and do not rotate, benefits 8 Dr Cooke worked at the hospital as a paediatric 9 the care in terms of another consistent clinician group senior house officer from December 2015 to January 2017. 9 [in addition to neonatal nurses and consultants] who can 10 She was involved in the care of Child O and states that 10 11 potentially recognise patterns or changes and identify 11 she[.] outlying events over a longer period than the 6 months 12 "... would not have anticipated Child O's 12 that most junior doctors spend on one placement." 13 13 collapse ... it was an unlikely event to happen." 14 In relation to training on safeguarding, Dr Burke 14 Dr Cooke was urgently called to attend Child P and 15 refers to the Royal College of Paediatrics and Child 15 assisted in the resuscitation attempt. She describes Health guidance in the RCPCH Child Protection Companion. Child P's death as "unexpected" saying that Child P "was 16 16 17 This sets out that children in hospital can be abused by 17 making good progress." She says however that she was health professionals and suspicions must be reported to not aware of any concerns or suspicions of other doctors 18 18 or nurses in relation to the circumstances of Child O or the consultant in charge and the named or designated 19 19 20 professional without delay. 20 Child P's death. 21 In reflecting on events, Dr Burke suggests that if 21 Dr Anthony Ukoh worked at the hospital for a brief 22 concerns are raised that a member of hospital staff may 22 period between April and August 2016 as a paediatric 23 be harming patients, there should be: 23 registrar. He was involved in the care of twins Child L 24 "... a standardised pathway of escalation, high 24 and Child M. In the case of Child L he requested a blood sample due to low blood sugar levels. His 25 alert and monitoring." 25 171

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evidence was that he did not see the results at the time 1 2 but that had he done so "he would have wondered if 3 Child L had received exogenous insulin". His evidence 4 to the Inquiry is: 5 "I would have repeated the blood tests, discussed 6 with the Consultant on duty, other team members and 7 possibly escalated to the case to the Paediatric 8 Endocrinology team for further advice." 9 In relation to Child M, Dr Ukoh says he examined 10 Child M on the morning of 9 April 2016 and: "... did not note any clinical signs or symptoms 11 that caused me concern." 12 13 Dr Ukoh was called to Child M later in the afternoon of 9 April 2016 and describes Child M's 14 collapse as "completely unexplained" noting also that: 15 "... even after resuscitation, various 16 17 investigations carried out (chest and abdominal x-rays and blood tests), did not confirm any obvious detectable 18 19 cause." 20 Child M was successfully resuscitated and Dr Ukoh 21 says that for this reason there was no debrief; this 22 would only occur where a baby died. 23 Dr Ukoh was also involved in the care of Child N. 24 On examination of Child N on 15 June he noted concerns 25 about mottled skin and dried blood around the lips and 173 1 hospital, she did not have any concerns about Letby and 2 only became aware of suspicions after the police 3 investigation had commenced. 4 My Lady, I now turn to evidence from doctors who 5 did not work directly on the neonatal unit. 6 Dr Joanne Davies was the Consultant clinical lead 7 for obstetrics and gynaecology at the Countess of 8 Chester Hospital during 2015 and 2016. Her evidence is 9 that: 10 "Generally, relationships were good between the different professional groups within the hospital." 11 12 Her observation of the NNU nursing staff was of 13 them: 14 "... working closely as a team with the doctors, having good communication skills, and empathy and 15 support for the women who were our patients." 16 17 She adds: 18 "I observed relationships between obstetric and neonatal staff to be good. I felt they worked well as 19 20 a team, to give the best care to both mother and baby." 21 Dr Davies was part of the Obstetric Review that 22 took place within 24 hours of the death of Child D. She 23 says of the death of Child D: 24 "This case was reviewed by the Obstetric Secondary Review team immediately as this was a term baby that had 25 175

- inside the oral cavity causing him to seek Consultant 2 advice
- 3 Dr Ukoh was also involved in the care of siblings
- 4 Child O and Child P. Significantly he assisted in the
- attempted resuscitation of Child P. However, Dr Ukoh 5
- 6 does not recall any debrief, beyond some discussion
- 7 about the similarity of circumstances of the deaths of
- Child O and Child P. 8
- 9 Dr Bhowmik worked as a paediatric registrar at the
- 10 hospital from March 2016 to September 2016. Dr Bhowmik,
- now a paediatric Consultant, was involved in the 11
- attempted resuscitation of Child O. Dr Bhowmik recalls 12
- discussing the sudden collapse of Child O and examining 13
- Child P and Child R, following the death of Child O. 14
- She states that when she learnt of the death of Child P 15
- 16 she was:
- 17 "... very surprised to hear this and had
- discussions with fellow trainees, who were all surprised 18
- 19 as well."
- 20 She says that:

21 "At some point after this, I was informed by the

- 22 Consultant about the previous mortality concerns on the
- 23 unit (which I was not aware of before) and the decision
- 24 to invite the RCPCH to conduct an inquiry into this."
- 25 Dr Bhowmik states that when she was working at the 174
- 1 died unexpectedly, with no known fetal concerns in
- 2 labour. This is a rare event."
- 3 Dr Davies goes on to say:
- 4 "I considered the death of Child D to be
- 5 unexpected."

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- Dr Davies was a recipient of the email on
- 7 22 June 2015 that Dr Brearey sent to colleagues after
- 8 the death of Child D, referring to the fact that this
- was the third death on the Neonatal unit within a short 9 10 time."
- 11 Dr Brearey's email, referring to the deaths of
- Child A, C and D had stated: 12
- 13 "There does not seem to be any staff (medical or
- 14 nursing) members present at all three episodes other

than one nurse, who was not the nurse responsible for 15 Child D on that shift." 16

17 Dr Davies explains that this information did not 18 worrv her as:

- 19 "Any concerns would have related to whether the
- 20 member of staff needed additional training or support,
- which I would expect the Neonatal Nurse Manager to 21
- 22 follow up and act on. The wording of Stephen Brearey's
- 23 email reassured me that they had reviewed all possible
- 24 factors, including environment and staffing, and that
- they had found nothing that related to the three 25 176

deaths ' 1 2 Dr Davies refers in her statement to the fact that 3 the Obstetric Review and the Neonatal review in relation 4 to Child D were combined into one case review which 5 concluded that: 6 "No factor in either the obstetric or neonatal care 7 could be identified that accounted for the child's 8 death." 9 The post-mortem finding was that the cause of death 10 of Child D was pneumonia with acute lung injury likely already present prior to birth. Dr Davies goes on to 11 12 sav: 13 "I and other members of the obstetric team still 14 found it difficult to understand how a fetus could develop acute pneumonia, where there had been no 15 16 clinical signs of infection during labour or the post 17 natal period of the mother and why there were not more 18 features in the baby and placenta of overwhelming 19 infection." 20 Dr Davies notes however that she respected the 21 expertise of the pathologist and the paediatricians. 22 Dr Davies says that it was in September 2015 that 23 she had been alerted to "possible higher than usual mortality rates" and that she spoke to Dr Jim McCormack, 24 25 (the Lead for Obstetric and Gynaecology Risk), 177 1 including external representation from our tertiary 2 centre at the Liverpool Women's Hospital." 3 However, Dr Davies goes on to say this: 4 "Prior to the death of the triplets, there was 5 a general feeling that something was not right with the 6 NNU as we had previously had such low mortality rates. 7 There were rumours amongst the obstetric and midwifery 8 staff and there was an occasional unfounded comment that 9 we had another 'Beverley Allitt'. We were always quick to stop this gossip as it felt completely unthinkable." 10 11 Dr Sara Brigham, like Joanne Davies was 12 a Consultant obstetrician and gynaecologist at the hospital. She was the clinical risk lead for obstetrics 13 14 between 2013 and 2017. In her statement to the Inquiry she explains that during the period 2015 to 2016 the 15 neonatal service and paediatric service sat within the 16 17 Urgent Care Division and maternity and obstetric Services sat within the Planned Care division, which had 18 its own medical, nursing and operational leadership. 19 20 The two services were brought together through the Women's and Children's care governance board chaired by 21 22 Dr McCormack, who was also a Consultant obstetrician and 23 gynaecologist. 24 During this period, maternity and neonatal services 25 would have investigated any incident separately.

- 1 Julie Fogarty (Head of Midwifery) and Stephen Brearey:
- 2 "... and informed them of the increased still birth
- 3 and neonatal deaths that I had identified."
- 4 Dr Davies explains that she personally did not
- 5 raise the concerns with the Executive team as at the
- 6 time she felt it was necessary to do a detailed review
- 7 of all the cases prior to further action. Dr Davies
- 8 says it was a joint decision between her, Jim McCormack
- 9 and Julie Fogarty that a review should take place and
- 10 that she discussed the need for a review with
- 11 Dr Brearey.

12 Dr Davies acknowledges that the report entitled

- 13 "Review of neonatal deaths and still births at the
- 14 Countess of Chester Hospital January 2015
- 15 to November 2015" was inaccurately titled and should
- 16 have been referred to as "Review of the Obstetric Care
- 17 of Neonatal Deaths and Stillbirths" because the report
- 18 was solely focused on obstetric care and did not
- 19 consider neonatal care.

Subsequently, in March 2016, Dr Davies was sent
Dr Brearey's thematic review of neonatal care. She says
that:

- 23 "The contents did not cause me any concern. If
- 24 anything I was reassured. I could see a thorough review
- 25 had been performed by specialists within neonatology, 178
- 1 Dr Brigham states that in the current system any review
- 2 would be planned jointly and if a death occurred in the
- 3 neonatal unit the maternity service would provide a full
- 4 review of care up to and including delivery.
- 5 Dr Brigham had time away from work between
- 6 June 2015 and October 2015, and on her return to work in
- 7 October 2015 she was advised 'that there had been
- 8 an increased number of baby deaths'. This led to
- 9 a review of the obstetric care of these babies and the
- 10 report written in November 2015.
- 11 Dr Brigham states that she:
- 12 "... believed that the neonatal team had already
- 13 looked at the neonatal care and had not found any
- 14 clinical themes."
- 15 The November Obstetric Review was of 18 stillbirths
- 16 and neonatal deaths which had been identified by the
- 17 risk team. Six of the 18 cases were neonatal deaths.
- 18 Dr Brigham confirms in her statement to the Inquiry that
- this included the deaths of Child A, Child C, Child Dand Child E.
- 21 Dr Brigham explains that the neonatal team were not
- 22 involved in the review, although the patient safety lead
- 23 Debbie Peacock and Head of Midwifery Julie Fogarty were
- 24 involved. Dr Brigham says:
- 25 "... the external reviewer (Lesley Tomes, retired 180

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Head of Midwifery and Supervisor of Midwives) felt that 1 2 our review process was extremely robust and open and 3 transparent. No new issues were identified from the 4 review." 5 Dr Brigham's recollection is that concerns were 6 raised about Letby "in the summer of 2016". She says: 7 "I remember the neonatal team raising the fact that 8 they had concerns that a member of staff was at the 9 centre of these deaths with the executive team at 10 a meeting that I was present at ... I recall the executive team not being able to comprehend that these 11 12 deaths were due to a particular member of staff." 13 Dr Brigham says she: 14 "... became aware of the concerns regarding the safety of babies on the neonatal unit in 2015/2016 and 15 16 suspicions about Letby, when the neonatal Consultants 17 came to discuss their concerns with us." 18 Dr Brigham is unable to recall the date of the 19 meeting or who attended. In her statement to the 20 Inquiry Dr Brigham sets out some of the changes that 21 have taken place at the hospital since 2015/16. She 22 notes that, in addition to the Women's and Children's 23 services now being one division: 24 "... there is now Board oversight for perinatal 25 services, with any neonatal death reported formally and 181 1 Stephen Brearey: 2 "... that there were serious concerns about excess 3 deaths on the NNU, and that Ian Harvey and Tony Chambers 4 were trying to silence the paediatricians and that 5 a member of staff was involved." 6 Dr Butcher did not have any direct discussions with 7 senior management but he wanted the Medical Staff 8 Committee to: 9 "... put on the record that the paediatricians needed our support and I remained keen that the wider 10 Consultant membership should know what our paediatric 11 12 colleagues had been going through." 13 Dr Butler's perspective as a Consultant within the 14 hospital, who was not a paediatrician, was that: 15 "I don't think that relationships between professional groups were particularly problematic at the 16 17 Countess generally." 18 Dr Butler is critical of the relationships between senior management and Consultants, which he dates to the 19 20 appointment of Ian Harvey as Medical Director and Tony Chambers as Chief Executive. He says senior 21 22 management viewed the Consultants as poorly motivated 23 and interested in personal gain. 24 He described the Consultants at the Countess as 25 "demoralised and disempowered". He says: 183

directly to the Board." 1 2 Dr Brigham also notes that a: 3 "... quality and safety dashboard and report is now 4 presented to the Women and Children's Governance committee on a monthly basis, where death rates are 5 6 included, facilitating any increase in number to be 7 discussed by all the team and actions advised." 8 Dr Brigham says: 9 "... if we had had a perinatal dashboard in 10 2015/2016, the increase in neonatal deaths would have been visualised month by month for all the team to 11 discuss and identify further investigations or actions." 12 13 Dr Butcher was a Consultant ophthalmic surgeon at 14 the Countess of Chester Hospital. He was also the secretary to the Medical Staff Committee which acted to 15 16 represent interests of all the Consultants and permanent 17 medical staff at the Countess of Chester. During the 18 period of June 2015 to June 2016 he screened premature 19 babies for retinopathy of prematurity and says that he: 20 "... was therefore a regular visitor to the 21 neonatal unit." 22 Due to the nature of his work, he says he was: 23 "... close to paediatric colleagues at the 24 Countess, particularly Stephen Brearey." 25 Dr Butcher was told in "about 2016" by 182 1 "Tony Chambers' antipathy towards consultants may 2 have had something to do with his nursing background." 3 Dr Butcher says in his statement to the Inquiry 4 that if he had been a paediatrician he would have gone 5 to the police but expresses his view that: 6 "... this could have been a career ending move." 7 He goes on to say: "I understand that there was a threat to report the 8 paediatricians to the GMC, and this was a very potent 9 threat, coming from the 'responsible officer' 10 11 lan Harvey." 12 Dr Butcher's view is that Medical Directors should 13 not have both power over employment as an Executive 14 Director as well as being the responsible officer for 15 medical registration. 16 Dr Fiona MacRae was a Staff Grade Associate 17 Specialist and Specialty Doctor working as an anaesthetist at the Countess of Chester. She had 18 concerns within the wider hospital about treatment of 19 20 her grade of anaesthetists that she considered "were 21 being sidelined and marginalised". She says that the 22 response of Ian Harvey and Tony Chambers and other 23 managers that they: 24 "... dismissed to our bullying concerns and pleas for a respectful and fair working environment." 25

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1	Professor Simon Kenny is a Consultant paediatric
2	surgeon at Alder Hey Children's Hospital. He was also
3	an attendee at some of the Cheshire and Merseyside
4	Neonatal Network board steering group and clinical
5	effectiveness meetings representing Alder Hey Children's
6	Hospital. Professor Kenny notes in his statement that:
7	"Dr Brearey was one of the most diligent attenders
8	of Neonatal Network meetings."
9	In his statement to the Inquiry Professor Kenny
10	addresses the issue of mortality data. He notes that,
11	with the benefit of hindsight, the annual mortality
12	figures at Chester were high but this was not
13	highlighted in the network meetings.
14	He notes that one of the issues around MBRRACE data
15	was timelines, commenting:
16	" there was locally collected timely data which
17	was not benchmarked and nationally benchmarked data with
18 19	a significant time lag."
20	Professor Kenny states: "I do not think that on the basis of the mortality
20	data presented at the meeting which I attended that
21	a discrete signal was visible for the Countess of
22	Chester."
23	Professor Kenny was involved in the table top
25	review of Child I's care. Professor Kenny notes in his
20	185
1	" we discussed the possibility of foul play."
1 2	" we discussed the possibility of foul play." Professor Kenny continued regular clinics at the
-	" we discussed the possibility of foul play." Professor Kenny continued regular clinics at the Countess and notes:
2	Professor Kenny continued regular clinics at the
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- 1 statement that this table top review was:
- 2 "... essentially a discussion around the decision
- 3 making to do with the transfers that had been involved."
- 4 Professor Kenny also carried out urology clinics at
- 5 the Countess of Chester Hospital and recalls that:
- 6 "... at some point in 2015-2016 during these
- 7 clinics Dr Brearey raised concerns with me over noted
- 8 increases in neonatal death rates and was struggling to
- 9 do you live a clear cause. I remember having several
- 10 conversations with him about this and during one of
- 11 those conversations he mentioned that he had mapped out
- 12 which staff had been on the unit at the time of sudden
- 13 collapses and that there was a single member of staff
- 14 who was always present when they occurred. I agreed
- 15 with him that this was both unusual and concerning and
- 16 I encouraged him to [discuss] these concerns with the
- 17 medical director. I am not sure whether it was by text
- 18 message, phone call or at the next clinic that I learned
- 19 that a Royal College review was being held. This
- 20 provided me with some assurance that matters were being
- 21 looked at. I was also aware that the individual was not
- 22 involved in direct patient care thereafter which was
- 23 reassuring pending the review outcome."
- 24 Later in his statement Professor Kenny states that
- 25 as part of the discussion with Dr Brearey:
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- the written evidence has been taken into account and
 considered. However, it is apparent that a number of
 themes emerge from the written statements of the doctor
- 3 themes emerge from the written statements of the doctors
- 4 who worked on the unit between June 2015 and June 2016.
- 5 First, that the view of the neonatal unit by the 6 doctors that worked there during this period were
- 7 predominantly positive. Many trainee doctors emphasised
- 8 the supportive working environment, noting that
- 9 Consultants were approachable and they felt able to10 raise concerns and queries with them. A minority of
- raise concerns and queries with them. A minority oftrainee GP doctors, it appears, did not feel so well
- 12 supported.
- 13 Whilst there is some suggestion that nursing staff
- 14 felt consultant rounds were too infrequent, occurring
- 15 twice a week during this period, the overwhelming tenor
- 16 the evidence from the doctors is of their perception
- 17 that there were good relationships with nursing staff
- 18 who they viewed as dedicated and competent.
- 19 It is apparent from a reading of the doctors'
- 20 evidence that whilst the neonatal nursing staff and the
- 21 Consultants were constant presences on the unit, there
- 22 was a very considerable turnover of junior doctors due
- 23 to the training scheme which placed doctors in different
- 24 hospitals on six-month rotating placements. One doctor
- 25 reflects on whether this meant that patterns or outlying 188

events were less readily identified, noting that in large tertiary neonatal units there were advanced nurse practitioners who were an additional constant presence alongside neonatal nurses and Consultants. It is apparent that whilst some of the doctors undertaking paediatric training had an awareness of high mortality rates, none of them had made a clear connection between the deaths and Letby. The evidence of Dr Emily Thomas is perhaps representative of many: "As a rotating trainee, I would not have known about the bigger picture." It appears that whilst safeguarding training was undertaken by the doctors who worked on the neonatal unit, this training did not include consideration or case studies of situations where health professionals were harming children in a hospital setting. It is also notable that below Consultant level it appears that knowledge of the reporting procedures following a sudden child death in hospital, for example reporting to the Child Death Overview panels or use of the sudden death in childhood procedure, was limited. The response of almost all of the then junior doctors was that had they had concerns they would have raised them with one of the Consultants on the unit. Some of the unit doctors spoke of their distress at the

indeed, Ms Brown. We will rise now until tomorrow

- the deaths unusual or the mortality rate high. Others
- emphasised their relative inexperience at the time,
- noting that it was only from their current standpoint in
- many cases now as Consultant paediatricians or
- neonatologists that they viewed the deaths as unusual. Few of the doctors have clear recollections of
- debriefs during the relevant period, yet most agree on
- the importance of such meetings both for learning and for the well-being of staff. The difficulties in terms
- of the practicalities of arranging debriefs within
- a shift working environment is also apparent from the
- evidence. Some witnesses refer to an improvement in the
- importance and regularity with which debriefs are now approached.
- My Lady, that concludes a summary of the doctors'
- evidence. I emphasise again that it is a summary of
- evidence for the assistance of these oral hearings. It
- does not purport to be, and self-evidently as a summary,
- cannot be comprehensive. It is, however, intended to
- assist the oral hearings, insofar as it provides some
- indication of themes that run through the evidence from
- doctors who have provided written evidence to the
- Inquiry.

LADY JUSTICE THIRLWALL: Thank you very much

3 4 5 7 8 9 10	DR ANNA MILAN (sworn) Questions by MR DE LA POER KATHRYN ANN DE-BERGER (sworn) Questions by MR BERSHADSKI DR SHIRLEY BOWLES (affirmed) Questions by MR DE LA POER Questions by LADY JUSTICE THIRLWALL Summary of Doctors' Evidence	1 40 40 66 66 123 126
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