

were to whistleblow, it is very much like if you were to make a public disclosure, say, phoned up the Sunday Times, for example, and say this is terrible with all these people dying and no one's doing anything about it, that would be covered by the whistle blowing act, the Public Disclosure Act. Phoning up the police to say we think that someone is potentially killing children is not whistle blowing.

So I think now we may, given all of the information, we conclude that you were given some misleading advice. I think the other thing that we no reason why you would know this, Stephen Cross was, we'd been told and you haven't mentioned it, so it would be good to get your view on it, but on the 26<sup>th</sup> of January, the meeting that took place over in the boardroom, that Stephen Cross was very animated in saying, if you call the police, we would have blue tape everywhere and the unit would be closed down. It would be a crime scene. Do you recall him saying that ?

STEPHEN BREARY: Right to the beginning in June or July 16, yeah.

DARREN THORNE: Okay. Because there is a very well established published memorandum of understanding between the police and the NHS on how to deal with these issues. And it would seem to me in my observation of what we've heard was Stephen Cross said he's used very outdated policing knowledge to try and dissuade people from taking the right action.

STEPHEN BREARY: And I think he is quite high in the trust and that they were quite lucky to have him, all his experience and, they listened to what he said and they weren't really questioning anything or was challenging anything that he was saying about that.

KAY BOYLE: 3<sup>rd</sup> of April, you get a visit from Ian Harvey, to say that he's still going to contact the police, that he'd instructed a criminal barrister to come and talk to you about this.

STEPHEN BREARY: And Nim Suberdear e-mailed me prior to that, saying what's happening. Because it's been a week by then, he hasn't heard of a thing and is expecting things to kick off with the police, and everything. And then Ian Harvey turns up in an absolute flap

DARREN THORNE: Which is interesting, so what you won't know is that there are a whole set of notes that they had picked the date of when they're gonna go to the police..

KAY BOYLE: which is that date...

DARREN THORNE: It was a 3<sup>rd</sup> of April...

KAY BOYLE: Which is the day that Ian goes to see Stephen.

DARREN THORNE: So it's an distraction. Stephen convinces Tony. And there's a rationale written down as to why they shouldn't go to the police. Stephen has influenced Tony's thinking, convinced him, because you shouldn't go to the police as its not a criminal investigation, there's no criminality to this. And what they do instead is they go to a QC who Stephen knows.

STEPHEN BREARY: Has anybody mentioned the Freemasons to you ?

DARREN THORNE: Nobody has been mentioned to me before in terms of...

STEPHEN BREARY: It's all hearsay, but it really wouldn't surprise me too that there's a Freemason's connection with a number of high ranking people in the hospital and elsewhere for this. And I'm sure that's where his friend is from...

DARREN THORNE: From ?

STEPHEN BREARY: That's where Simon came from.

DARREN THORNE: No one has mentioned it to us yet. And it's useful that you have. But I was intending to ask a question of one of the other interviewees who had previously been told was threatened not to do certain things. So yes, there will be an undercurrent. Did you ever have anything ever said to you?

STEPHEN BREARY: It's all rumors and hearsay but it sort of fitted.

DARREN THORNE: There's, an element of truth in that, but whether we'll ever be able to find enough to put it on paper, but what I am aware from other people that have said things is that you're possibly right.

STEPHEN BREARY: So Ian definitely did say they still intended to go to the police and that they're intention with Simon Medland, was that he can advise the trust how to do this, and he wants to understand our concerns better. It was in my office.

KAY BOYLE: Yeah. So the intention was for you to meet with this barrister, all of you ?

STEPHEN BREARY: Yeah, well, actually that wasn't entirely clear in the office discussion, because obviously I'm thinking, well, we're going to the police, we need to get on with this urgently, me and Ravi are happy to drop everything and just meet him. We will do this afternoon, tomorrow or whatever. And he says, oh, no, no, no, you've all raised concerns. We don't need to talk to you all together, which then alarmed me, just a little red flag because I thought well what's the difference between two of us and all of us in this really, reading the tension of the meeting. So therefore, you've probably got a copy of a number of emails that I sent to Ian Harvey, after that discussion in the office and I understand from Ravi, he had exactly the same discussion with Ravi in Ravi's office on the same day, a different time saying exactly the same thing. So I emailed Harvey and I said, we're happy to meet as soon as possible. Can you clarify the purpose of this meeting. And he was worryingly vague in his reply.

KAY BOYLE: So when you turned up at the meeting here, what happened ?

STEPHEN BREARY: Sydney Education Center, we all pitched up on believing that it was just Simon Medland, he didn't have a pa with him. And he had a folder full of that sort of thing and folders, presumably with some information that the trust had given him regarding the deaths, which is relatively full, not like one of your files there. And he said, well, I've been asked to talk to you about whether it's worth going to the police or not. And I stopped him and said 'that's a little bit worrying because we've been told you're here because the trust is going to the police and you need further information to understand our concerns'. And he said, oh, that's a shame that's not a very good start is it, and moved up from there.