

The BRI Inquiry into Paediatric Cardiac Surgery in Bristol (1984-1995)

Supplementary Statement - Issue J - Post-Mortems and Inquests

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1. This further Statement has been made in direct response to a letter dated 19th October 1999 from the Solicitor to the Inquiry addressed to the Solicitors for UBHT. It was suggested in that letter that I should explain the events which occurred on 23rd September 1999 and the events that followed. It was also suggested that I should clarify the outcome of the Trust's enquiries into tissue retention and its contact with parents. I am, of course, happy to provide that further clarification. The letter also raised the matter of the retention and storage of microscopic slides and the retention of "parts and sections " of organs. Since these are essentially pathology matters I have not touched upon them in this statement.
2. In order to explain what happened on 23rd September, it is necessary to provide some background. For the purposes of this Statement, I will refer to the people concerned by initials although I will, of course, disclose the full identity to the Panel by separate letter.
3. A standard form sent via the BHCAG indicating that [REDACTED] wished to receive full information from the Trust regarding her son [REDACTED] was received by my office on 18th February 1999. In a subsequent telephone conversation with my assistant Sarah Garrett, [REDACTED] was told that her son's heart, part of the liver and brain had been

retained following a Coroner's post-mortem on 8th May 1985. This was confirmed in a letter from me dated 23rd February 1999.

4. A query arose a number of weeks later, about the information that had been given, because [REDACTED] believed that she had been told over the telephone that part of the lungs had been retained, whereas the letter specified part of the liver. I apologised for the fact that the position had not been made clear although our records showed that the correct information had been given and agreed that I would re-check with Professor Berry. This I duly tried to do, but unfortunately I used the mother's surname [REDACTED] rather than the child's surname [REDACTED]. Professor Berry wrote to me on 3rd June 1999 indicating that there was no child with the surname [REDACTED] on his database. When I was able to give him the correct surname, Professor Berry responded by letter dated 5th July 1999 confirming the full extent of the organ retention.
5. For a number of reasons, I was unable to write to [REDACTED] explaining what we understood to be the true position. Hugh Ross and I gave evidence to the Inquiry on Issue J on 12th July 1999. We were, of course, dealing with the general issue and not individual cases. I was on holiday from the last week in July until the beginning of the third week in August. I then had other work commitments which kept me fully occupied until the end of the first week in September – this period also contained further leave. I produced a draft letter for [REDACTED] which was sent to the Trust's solicitors, but, it was felt that further information needed to be obtained from Professor Berry so that we could be absolutely certain that we had got it right. Professor Berry was himself away in Ireland between 8th and 18th September. I was not able to speak to him before he gave evidence on 23rd September and indeed was only able finally to verify the accurate position on 24th September 1999.
6. In the meantime, [REDACTED] had telephoned the Children's Hospital on 22nd September 1999 with a query regarding microscope slides. I was in Taunton for most of the day, but she was informed by my assistant that I would be at the Inquiry on 23rd September and that I would contact her on Friday 24th September. My intention was to write a letter to her on that day explaining what we believed to be the position.

7. While I was at the Public Inquiry on Thursday 23rd September I was asked by [REDACTED] if she could have a word with me when the Public Inquiry broke for lunch. We went into a private room and she told me that the reason that she wanted to speak to me was that she felt that the BHCAG and the Trust had been able to work constructively together in the past and that she hoped that the fact that some conflicts had arisen between the evidence of Hugh Ross and myself, and her own evidence would not stop us working constructively together in the future. I said that I was sure we would continue to work well together in the future if that was required.
8. During the course of our conversation, I informed [REDACTED] that the hospital had discovered an error in the information given to one parent regarding the extent of retention of her child's organs. I told her that I was advising her of this in confidence as the representative of the BHCAG in case she was contacted. I did not know whether or not the parent was a member of the group. I explained that I could not give her specific details because of patient confidentiality, but that I was notifying her as I intended to write to the parent the next day. [REDACTED] view was that with all the queries there had been, there would inevitably be one or two mistakes and that whilst that was regrettable, it was understandable.
9. I did not have a conversation with any other parent at the Inquiry other than [REDACTED] although I did acknowledge other parents whom I know and recognised.
10. [REDACTED] telephoned me early in the morning of Friday 24th September 1999. She asked for the further details she had been seeking regarding the microscope slides relating to [REDACTED]. I informed [REDACTED] that there had been more retention than had originally been identified. She said: "It's the lungs, isn't it?" I confirmed that and said that other organs had been retained but that I could not give her details on the telephone because I needed to be fully accurate. I said I needed to confirm the position with Professor Berry to whom I had not yet spoken. I also promised her that I would write to her that day. She was clearly distressed and the conversation ended shortly afterwards.

11. ██████ telephoned me again a few minutes later to seek clarification of what I had told her, which I was able to do. During the rest of the morning and the early afternoon of Friday 24th September 1999, I wrote the letter to ██████ with the help of Professor Berry and the Trust's solicitors and it was sent at the end of the day.
12. During that morning (Friday 24th September 1999) about 15 minutes after my second conversation with ██████, I also received a telephone call from ██████. She said that she understood that I had told another parent that the hospital had retained other organs and tissue not previously disclosed to those parents. I gave ██████ my assurance that I had been referring to one specific case where the hospital had made an error.
13. During the day on Friday 24th September 1999, ██████ telephoned me to say that she had been informed that I had sat down with parents at the Public Inquiry the previous day and that I had informed them that other organs and tissues had been kept by the hospital in addition to the details already supplied to parents. I told ██████ that I had not said this and I confirmed that I had not had any conversation with any parent at the Inquiry, with the exception of ██████ herself. I said to her that it was the specific case that I had discussed with her alone at the Inquiry which must have caused this reaction. ██████ told me that she thought it must have been that specific case.
14. ██████ telephoned me again later that day and informed me that a number of parents were going to take this matter to the Press and suggested that I should go to see ██████. I thanked ██████ for this information but held the view that it was inappropriate to visit ██████.
15. Following her receipt of my letter dated 24th September 1999, I have spoken to ██████ on several occasions regarding the arrangements that are being made, at her request, for her son's organs to be transferred to the Pathology Department at the Bath Royal United Hospital.

16. There can be no question of my having held anything back from the Inquiry. I would wish to make clear that there are two parallel areas of investigation. Firstly, the Inquiry has heard evidence on Issue J from a wide variety of sources, but my evidence in that regard was essentially general as my witness statement made plain. Secondly, alongside the matters investigated by the Inquiry, there were and are, of course, the queries from individual parents which, over the months, I have endeavoured on behalf of the Trust to answer truthfully and accurately. Given the number of cases, the timespan which we have been considering and, in some cases, the paucity of past records, it is not surprising although regrettable that a very small number of corrections to the original information given have had to be made. With specific reference to [REDACTED] I did not consider that a public hearing was the place at which to divulge further information. Given the absence of a natural forum in which to raise the matter, it was the agreed view of the Trust that the further information should be given by letter. That is, in fact, what occurred. The only reason I spoke to [REDACTED] on 23rd September was to alert her to the fact that she might be contacted as Chairman of the BHCAG and that she ought to know in advance that I would be dealing with it. The information and indeed the conversation itself had nothing to do with the evidence that either Professor Berry or I had given to the Inquiry. It should also not be overlooked that the information that has emerged was volunteered by me, (in general terms to [REDACTED] and specifically to [REDACTED] before any application was made to the Inquiry and before any suggestion was made or implied that I had withheld relevant information.

Enquiries into tissue retention and Trust policy on information to parents

17. Since the issue of tissue retention arose, it has been the policy of the Trust to give accurate information to all parents wishing to have information, whilst respecting the rights of those who do not wish to know whether there had been organ retention in a particular case. The overriding aims at the outset were accuracy and speed; in the sense that we saw the need to provide information as quickly but as sensitively as possible. As a consequence, Professor Berry and I made this our overriding priority at the expense of our other commitments. Professor Berry took personal responsibility for identifying and collating the data in the Pathology Department in his own hospital.

Subsequently, he also kindly agreed to help with the data from the BRI Pathology Department even though he had had no responsibility for the post-mortem examinations or record keeping at the BRI. I, with the help of Sarah Garrett, my Assistant General Manager, was asked by the Trust to undertake the role of receiving and responding to parents' enquiries. This was achieved by both telephone and letter.

18. The distress of parents in receiving this information was understandably enormous, and inevitably, dealing with this at first hand was difficult and at times very upsetting. None of those involved from the Trust, I know, will ever forget this experience. However, I undertook this role on behalf of the Trust because it was felt appropriate that there should be one main point of contact for parents. In taking this approach, I have also made it my personal responsibility to return hearts (and other organs) to parents when they have decided to come to the hospital themselves. Many of the calls which I have taken have not been documented as they often occur during the course of my other work commitments. I usually only document queries which need a follow-up by someone else. The sorts of question that I would be asked in telephone calls from parents, and continue to be asked, were the reasons for organ retention and the legality of the retention. I have frequently been asked by parents about the option of whether or not they should take the heart and whether it should be cremated or buried.
19. At first, parents wanted to know if their child's heart had been retained and if so whether the hospital still had it and if not what had happened to it. That was our initial focus. The "template letters" annexed to and described in my statement of 2nd July 1999 reflect the information that both the BHCHG and the Trust initially thought the parents would want to know. Examples are Template letter 3, identifying that the heart had been retained and template letter 4, identifying that the heart and other (known) organs or a substantial part of that organ had been retained.
20. As an illustration of the work involved and its complexity, I have asked my Assistant General Manager, Sarah Garrett, to review the Trust's files and provide me with the following information:
the total number of parents who made enquiries was 231;

the total number of children with organs retained was 140;

the total number of children in whom it was found that no organs were retained was 91;

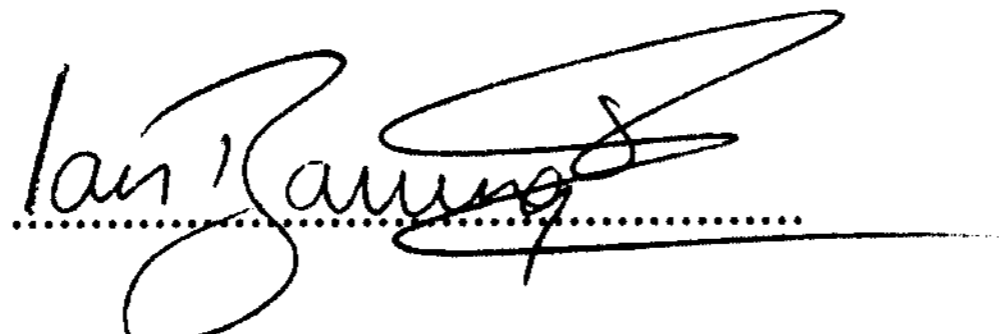
In addition to the 231 patients who initially made enquiries, there are 219 recorded "follow-up" enquiries documented.

Full details of each enquiry and the internal hospital records made by the staff in the Pathology Departments and in particular the work of Professor Berry have been disclosed to the Inquiry on 2nd July 1999. On 15th July and 6th August 1999, Professor Berry's computer data, described in his statement of 2nd July 1999 were made available to the Inquiry.

21. All correspondence was disclosed to the Inquiry on 2nd July 1999, together with all other patient-confidential material in my possession and that of Professor Berry. It was first requested on 24th June 1999, as appears from the letter of 21st July 1999 from Beachcroft Wansbroughs to the Solicitor to the Inquiry.
22. As a result of the enormous efforts that we have made, only a small number of corrections have had to be made. These may in part be attributed to our desire to provide answers speedily, but also because the original documentation from which our information has been obtained dates back many years and at times was unclear, particularly in respect of a number of post-mortems carried out at the BRI.
23. The policy of the Trust was initially to invite parents to say whether they wished to know whether organs had been retained. Depending on the answers in individual cases, we endeavoured to provide the information asked for. There has been correspondence, either with individual parents or their solicitors, in which specific queries were raised and again, we have attempted, from the records available, to answer them. I have of course written to the individual parents concerned and I am not sure it is appropriate for me to give details in a statement which will be placed in the public domain.

24. In the letter from the Solicitor to the Inquiry, dated 19th October 1999, the Trust was asked to deal with the retention and storage of microscopic slides and the retention of "parts and sections" of organs. These are issues which are outside of my personal knowledge and experience and I understand that the Solicitors to the Trust have written to the Inquiry identifying the evidence on the public record, including that in Professor Berry's written statement which deals in detail with the post-mortem process and histology slides.

SIGNED



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IAN BARRINGTON

DATED

.....18th November 1999.....

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