



Urology Services Inquiry

Urology Services Inquiry | 1 Bradford Court | Belfast BT8 6RB
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Dr Patrick Loughran
C/O Southern Health and Social Care Trust
Craigavon Area Hospital,
68 Lurgan Road, Portadown,
BT63 5QQ

13 December 2023

Dear Sir,

**Re: The Statutory Independent Public Inquiry into Urology Services in the
Southern Health and Social Care Trust**

**Provision of a Section 21 Notice requiring the provision of evidence in the
form of a written statement**

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into Urology Services in the Southern Health and Social Care Trust (the Urology Services Inquiry) which has been set up under the Inquiries Act 2005 ('the Act').

I enclose a copy of the Urology Services Inquiry's Terms of Reference for your information.

You will be aware that the Inquiry has commenced its investigations into the matters set out in its Terms of Reference. The Inquiry is continuing with the process of gathering all of the relevant documentation from relevant departments, organisations and individuals. In addition, the Inquiry has also now begun the process of requiring individuals who have been, or may have been, involved in the range of matters which come within the Inquiry's Terms of Reference to provide written evidence to the Inquiry panel.

The Urology Services Inquiry is now issuing to you a Statutory Notice (known as a Section 21 Notice) pursuant to its powers to compel the provision of evidence in the form of a written statement in relation to the matters falling within its Terms of Reference.

This Notice is issued to you due to your held posts, within the Southern Health and Social Care Trust, relevant to the Inquiry's Terms of Reference.

The Inquiry understands that you will have access to all of the relevant information

required to provide the witness statement now or at any stage throughout the duration of this Inquiry. Should you consider that not to be the case, please advise us of that as soon as possible.

The Schedule to the enclosed Section 21 Notice provides full detail as to the matters which should be covered in the written evidence which is required from you. As the text of the Section 21 Notice explains, you are required by law to comply with it.

Please bear in mind the fact that the witness statement required by the enclosed Notice is likely (in common with many other statements we will request) to be published by the Inquiry in due course. It should therefore ideally be written in a manner which is as accessible as possible in terms of public understanding.

You will note that certain questions raise issues regarding documentation. If you in your personal capacity hold any additional documentation which you consider is of relevance to our work and is not within the custody or power of the Belfast Trust and has not been provided to us to date, then we would ask that this is also provided with this response.

If it would assist you, I am happy to meet with you and/or the Trust's legal representative(s) to discuss what documents you have and whether they are covered by the Section 21 Notice.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the Inquiry has adopted in relation to such a notice. In particular, you are asked to provide your evidence in the form of the template witness statement which is also enclosed with this correspondence. In addition, as referred to above, you will also find enclosed a copy of the Inquiry's Terms of Reference to assist you in understanding the scope of the Inquiry's work and therefore the ambit of the Section 21 Notice.

Given the tight time-frame within which the Inquiry must operate, the Chair of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

If there is any difficulty in complying with this time limit you must make application to the Chair for an extension of time before the expiry of the time limit, and that application must provide full reasons in explanation of any difficulty.

Finally, I would be grateful if you could acknowledge receipt of this correspondence and the enclosed Notice by email to Personal Information redacted by the USI.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

Personal Information redacted by the USI

Anne Donnelly
Solicitor to the Urology Services Inquiry

Tel: Personal Information redacted by the USI

Mobile: Personal Information redacted by the USI

**THE INDEPENDENT PUBLIC INQUIRY INTO
UROLOGY SERVICES IN THE
SOUTHERN HEALTH AND SOCIAL CARE TRUST**

Chair's Notice

[No 36 of 2023]

pursuant to Section 21(2) of the Inquiries Act 2005

WARNING

If, without reasonable excuse, you fail to comply with the requirements of this Notice you will be committing an offence under section 35 of the Inquiries Act 2005 and may be liable on conviction to a term of imprisonment and/or a fine.

Further, if you fail to comply with the requirements of this Notice, the Chair may certify the matter to the High Court of Justice in Northern Ireland under section 36 of the Inquiries Act 2005, where you may be held in contempt of court and may be imprisoned, fined or have your assets seized.

TO: Dr Patrick Loughran
C/O Southern Health and Social Care Trust
Craigavon Area Hospital,
68 Lurgan Road, Portadown,
BT63 5QQ

IMPORTANT INFORMATION FOR THE RECIPIENT

1. This Notice is issued by the Chair of the Independent Public Inquiry into Urology Services in the Southern Health and Social Care Trust on foot of the powers given to her by the Inquiries Act 2005.
2. The Notice requires you to do the acts set out in the body of the Notice.
3. You should read this Notice carefully and consult a solicitor as soon as possible about it.

4. You are entitled to ask the Chair to revoke or vary the Notice in accordance with the terms of section 21(4) of the Inquiries Act 2005.
5. If you disobey the requirements of the Notice it may have very serious consequences for you, including you being fined or imprisoned. For that reason you should treat this Notice with the utmost seriousness.

WITNESS STATEMENT TO BE PRODUCED

TAKE NOTICE that the Chair of the Independent Public Inquiry into Urology Services in the Southern Health and Social Care Trust requires you, pursuant to her powers under section 21(2)(a) of the Inquiries Act 2005 ('the Act'), to produce to the Inquiry a Witness Statement as set out in the Schedule to this Notice by noon on **28th December 2023**.

APPLICATION TO VARY OR REVOKE THE NOTICE

AND FURTHER TAKE NOTICE that you are entitled to make a claim to the Chair of the Inquiry, under section 21(4) of the Act, on the grounds that you are unable to comply with the Notice, or that it is not reasonable in all the circumstances to require you to comply with the Notice.

If you wish to make such a claim you should do so in writing to the Chair of the Inquiry at: **Urology Services Inquiry, 1 Bradford Court, Belfast, BT8 6RB** setting out in detail the basis of, and reasons for, your claim by noon on **21st December 2023**.

Upon receipt of such a claim the Chair will then determine whether the Notice should be revoked or varied, including having regard to her obligations under section 21(5) of the Act, and you will be notified of her determination.

Dated this day 13th day of December 2023

Personal Information redacted by the USI

Signed:

Christine Smith QC

Chair of Urology Services Inquiry

SCHEDULE**[No 36 of 2023]**

1. Please consider: (i) the email chain of 4 October 2010 at WIT-99145 to WIT-99147, (ii) your letter of 21 October 2010 addressed to Tony Stevens, former Medical Director of the Belfast Health and Social Care Trust ('the Belfast Trust'), at WIT-100350 to WIT-100351 and (iii) the email chain of 25 October 2010 at TRU-395985 to TRU-395986.
 - a. Please provide full details of the 'discussion in private at the conclusion of the Medical Directors meeting', as referred to at WIT-100350.
 - b. Why was an informal discussion considered an appropriate manner in which to deal with these concerns?
 - c. Was any consideration given to other ways to address the concerns communicated to you by Dr Stevens? If yes, were those ways also pursued and, if not, why not?
 - d. What did you do as a result of this conversation with Dr Stevens?
 - e. Please provide copies of any further correspondence passing between you, Dr Stevens, or others (whether in the BHSCT or SHSCT) in respect of this issue. To the extent that no further correspondence is available, please explain why this is the case.
 - f. Please confirm whether you had any further conversations with Dr Stevens following the correspondence referred to above.
 - g. Explain what is meant by the statement 'things with our clinician[s] are very delicate'. at TRU-395985. Please identify the relevant clinician/(s).
 - h. What was the concern with 'other copies' of the correspondence? Why did you state this?
 - i. Do you consider your interactions and communications on this issue to have been sufficient? Could and should you have done more? Could and should others have done more? If yes to either, please explain what more could and should have been done?

NOTE:

By virtue of section 43(1) of the Inquiries Act 2005, "document" in this context has a very wide interpretation and includes information recorded in any form. This will include, for instance, correspondence, handwritten or typed notes, diary entries and minutes and memoranda. It will also include electronic documents such as emails, text communications and recordings. In turn, this will also include relevant email and text communications sent to or from personal email accounts or telephone numbers, as well as those sent from official or business accounts or numbers. By virtue of section 21(6) of the Inquiries Act 2005, a thing is under a person's control if it is in his possession or if he has a right to possession of it.

UROLOGY SERVICES INQUIRY

USI Ref: Notice 36 of 2023

Date of Notice: 13th December 2023

Witness Statement of: Dr Patrick Loughran

I, Patrick Loughran, will say as follows:-

- 1. Please consider: (i) the email chain of 4 October 2010 at WIT-99145 to WIT99147, (ii) your letter of 21 October 2010 addressed to Tony Stevens, former Medical Director of the Belfast Health and Social Care Trust ('the Belfast Trust'), at WIT-100350 to WIT-100351 and (iii) the email chain of 25 October 2010 at TRU-395985 to TRU-395986.**

1.1 I have no recollection of having been copied into the email chain at WIT-99145, 99146 and 99147. In answering this Section 21 Notice, I am reliant upon the contemporaneous documents provided by the Inquiry.

- a. Please provide full details of the 'discussion in private at the conclusion of the Medical Directors meeting', as referred to at WIT-100350.**

1.2 I do not have any detail of the Medical Director's meeting in question, or the date. These meetings were infrequent and it was normal at the end of such a meeting for one or more attendees to raise a matter of mutual concern with another. I have no recollection of the "discussion in private", and I am entirely relying on the copy of the contemporaneous document

WIT-100350 provided by the Inquiry. I have a good recollection of the other events referred to in WIT-100350, but only because I have been provided with the document.

1.3 Dr Tony Stevens raised the matter of transferred Urology patients from the Southern Trust to the Belfast Trust. He explained that he had received a complaint from the receiving [Belfast] surgeon regarding Mr O'Brien's contact with several patients who were to be transferred to the care of the Belfast team. This discussion was "private", in that it only included Dr Stevens and myself. I agreed that it was not appropriate for Mr O'Brien to have contacted the patients in the manner described. The letter [WIT-100350] which I sent to Dr Stevens dated 21st October 2010 summarises the discussion in the first three paragraphs, and the remainder of the letter outlines the action which I took as follows. I asked the AMD in Surgery to speak to Mr O'Brien and get an undertaking that he would not contact his transferred patients. As recorded in the letter WIT-100350 the AMD received this undertaking. I also discussed and agreed the content of the letter which was sent from the Director of Acute Services to Mr O'Brien, an extract of which was copied to Dr Stevens in WIT-100350. This letter to Dr Stevens finished with an apology and an invitation to contact me further if he wished.

1.4 In respect of the other issue identified in Mr Hagan's email (his concerns re the care pathway being determined for those patients by the CAH urologists), I do not believe that this was ever formally brought to my attention and, as mentioned at 1.1 above, I do not believe that I ever saw his email. However, I believe I was aware from informal conversations around the office that this other issue had been raised (albeit I would not have been aware of the details) and was being dealt with by the Acute Services Directorate. I believe that this was addressed in my letter to Dr Tony Stevens at WIT-100351 where I quoted from the letter sent to Mr O'Brien by the Director of Acute Services.

- b. Why was an informal discussion considered an appropriate manner in which to deal with these concerns?**

1.5 As set out above, these concerns were raised with me in conversation and without notice, and I believe it would have been discourteous to Dr Stevens if I had not listened to him and agreed a way forward.

- c. Was any consideration given to other ways to address the concerns communicated to you by Dr Stevens? If yes, were those ways also pursued and, if not, why not?**

1.6 No. The way in which I addressed the concerns was agreed between us.

- d. What did you do as a result of this conversation with Dr Stevens?**

1.7 This is set out in the answer to Q1(a) above, and in the letter WIT-100350.

- e. Please provide copies of any further correspondence passing between you, Dr Stevens, or others (whether in the BHSCT or SHSCT) in respect of this issue. To the extent that no further correspondence is available, please explain why this is the case.**

1.8 I am not aware that there was any further correspondence.

- f. Please confirm whether you had any further conversations with Dr Stevens following the correspondence referred to above.**

1.9 I do not recall having any further conversations with Dr Stevens following the correspondence.

- g. Explain what is meant by the statement ‘things with our clinician[s] are very delicate’. at TRU-395985. Please identify the relevant clinician/(s).**

1.10 The Trust was undertaking an in-depth examination of the use of antibiotics in the urology department, and this had caused tension between the Acute Service management and Mr O Brien. I was also involved because of my role in Infection Prevention and Control [IPC].

- h. What was the concern with ‘other copies’ of the correspondence? Why did you state this?**

1.11 I do not recall why I was concerned.

- i. Do you consider your interactions and communications on this issue to have been sufficient? Could and should you have done more? Could and should others have done more? If yes to either, please explain what more could and should have been done?**

1.12 Yes, sufficient, because in response to the concern Dr Stevens presented to me, I followed an agreed plan with the result that Mr O Brien undertook not to contact patients in what we agreed was an inappropriate manner. Yes, again sufficient, because in WIT-100351 I have quoted the Director of Acute Services who stated that our Commissioner had obliged the Trust to refer patients to Belfast. I infer from this that both Dr Stevens and I were aware that patients were being transferred to Belfast. This satisfied the concern that patients were receiving safe care following a multidisciplinary care plan Dr Stevens in the email within TRU-395985 wrote “I am happy with this approach”.

NOTE:

By virtue of section 43(1) of the Inquiries Act 2005, "document" in this context has a very wide interpretation and includes information recorded in any form. This will include, for instance, correspondence, handwritten or typed notes, diary entries and minutes and memoranda. It will also include electronic documents such as emails, text communications and recordings. In turn, this will also include relevant email and text communications sent to or from personal email accounts or telephone numbers, as well as those sent from official or business accounts or numbers. By virtue of section 21(6) of the Inquiries Act 2005, a thing is under a person's control if it is in his possession or if he has a right to possession of it.

Personal Information redacted by the USI

Signed:

Dated: 21st December 2023