



Helen Walker
Former Assistant HR Director
C/O Southern Health and Social Care Trust
Craigavon Area Hospital,
68 Lurgan Road, Portadown,
BT63 5QQ

17 January 2023

Dear Madam,

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.

The Inquiry is aware that you have held posts 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 required 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 details 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. As you are aware the Trust has already responded to our earlier Section 21 Notice requesting documentation from the Trust as an organisation. However 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 Trust and/or 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 1 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: Helen Walker
 Former Assistant HR Director
 C/O Southern Health and Social Care Trust
 Headquarters
 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 24th January 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 20th January 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 17th January 2023

Signed:

Personal information redacted by the USI

Christine Smith QC

Chair of Urology Services Inquiry



SCHEDULE
[No 1 of 2023]

- 1. In his Section 21 Statement to the Inquiry at WIT 11769 at para 92, Eamon Mackle states the following (relevant extract underlined):**

“In 2012 (I am unsure of the exact date) I was informed that that the Chair of the Trust (Mrs Roberta Brownlee) reported to Senior Management that Aidan O’Brien had made a complaint to her that I had been bullying and harassing him. I was called into an office on the Administration floor of the hospital to inform me of the accusation. I was advised that I needed to be very careful where he was concerned from then on. I recall being absolutely gutted by the accusation and I left and went down the corridor to Martina Corrigan’s office. Martina immediately asked me what was wrong, and I told her of what I had just been informed. In approximately 2020, I truthfully had difficulty recalling who informed me. Martina Corrigan said I told her at the time that it was Helen Walker, AD for H.R. I now have a memory of same but can’t be 100 percent sure that it is correct. I recall having a conversation with Dr Rankin who advised that, for my sake, I should step back from overseeing Urology and I was advised that Robin Brown should assume direct responsibility. I was also advised to avoid any further meetings with Aidan O’Brien unless I was accompanied by the Head of Service or the Assistant Director. As a result, I instructed Robin Brown to act on all Governance issues regarding Urology and in particular any issue concerning Aidan O’Brien. At my next meeting with John Simpson, I advised him of the issue and the change in governance structure in Urology. There was no formal investigation of the complaint, and I have checked with Zoe Parks (Head of Medical HR) and she says that there is no record on my file of the accusation.”



The Inquiry asks that you address the following:

- (i) Please respond to the detail provided by Mr. Mackle in paragraph 92, specifically as they relate to you, setting out whether you agree with all or some Mr. Mackle's version of events (identifying where you agree and providing full details as you recall them).
- (ii) If Mr. Mackle is correct in his recollection, please set out your recollection of events, including why you spoke to Mr. Mackle, what was said, and whether you spoke to or discussed this with anyone else.
- (iii) If Mr. Mackle is correct in his recollection, please set out why there was no formal investigation of the complaint of bullying and harassment. In addressing same, outline all actions, of which you are aware, which were taken by yourself or others within HR Directorate or Trust more broadly concerning this complaint and provide any and all relevant documents.
- (iv) If you do not recognise the encounter or detail provided by Mr. Mackle, why do you think Mr. Mackle referenced you in his Statement? For example, have you ever had any dealings with Mr. Mackle regarding his role, or Mr. O'Brien, or for any other reason? If so, please explain in full.
- (v) If not you, do you know who Mr. Mackle may have spoken to? Where you aware of any complaint or conversation involving Mrs. Brownlee, or any other person, with anyone else from administration/human resources (or elsewhere) regarding Mr. Mackle's interactions with Mr. O'Brien?
- (vi) Please provide any further details which you consider may be relevant to the Inquiry Terms of Reference.

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 1 of 2023

Date of Notice: 17th January 2023

Witness Statement of: Helen Walker

I, Helen Walker, will say as follows:-

1. In his Section 21 Statement to the Inquiry at WIT 11769 at para 92, Eamon Mackle states the following (relevant extract underlined):

“In 2012 (I am unsure of the exact date) I was informed that that the Chair of the Trust (Mrs Roberta Brownlee) reported to Senior Management that Aidan O’Brien had made a complaint to her that I had been bullying and harassing him. I was called into an office on the Administration floor of the hospital to inform me of the accusation. I was advised that I needed to be very careful where he was concerned from then on. I recall being absolutely gutted by the accusation and I left and went down the corridor to Martina Corrigan’s office. Martina immediately asked me what was wrong, and I told her of what I had just been informed. In approximately 2020, I truthfully had difficulty recalling who informed me. Martina Corrigan said I told her at the time that it was Helen Walker, AD for H.R. I now have a memory of same but can’t be 100 percent sure that it is correct. I recall having a conversation with Dr Rankin who advised that, for my sake, I should step back from overseeing Urology and I was advised that Robin Brown should assume direct responsibility. I was also advised to avoid any further meetings with Aidan O’Brien unless I was accompanied by the Head of Service or the Assistant Director. As a result, I instructed Robin Brown to act on all Governance issues regarding Urology and in particular any issue concerning Aidan O’Brien. At my next meeting with John Simpson, I advised him of the issue and the change in governance structure in Urology. There was



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no formal investigation of the complaint, and I have checked with Zoe Parks (Head of Medical HR) and she says that there is no record on my file of the accusation."

The Inquiry asks that you address the following:

- (i) Please respond to the detail provided by Mr. Mackle in paragraph 92, specifically as they relate to you, setting out whether you agree with all or some Mr. Mackle's version of events (identifying where you agree and providing full details as you recall them).**

1.1 The context of this is that Mr Mackle was informed by someone that the Chair of the Trust (Mrs Roberta Brownlee) reported to Senior Management that Mr O'Brien had made a complaint to her that Mr Mackle had been bullying and harassing him. I have no recollection of ever hearing this and nor have I had any discussion or correspondence with Mrs Brownlee about any matter concerning Mr O'Brien or Mr Mackle. I have no recollection of having any discussion in the context described by Mr Mackle. In light of this Section 21 I double checked with Mrs Zoe Parks, Medical Staffing Manager, and she confirmed there was no such complaint on record.

- (ii) If Mr. Mackle is correct in his recollection, please set out your recollection of events, including why you spoke to Mr. Mackle, what was said, and whether you spoke to or discussed this with anyone else.**

1.2 I would refer to answer (i) above. I have no recollection of such an event.

- (iii) If Mr. Mackle is correct in his recollection, please set out why there was no formal investigation of the complaint of bullying and harassment. In addressing same, outline all actions, of which you are aware, which were taken by yourself or others within HR Directorate or Trust more broadly concerning this complaint and provide any and all relevant documents.**



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1.3 I would refer to answer (i) above. I have no recollection of such an event. I was never aware of any complaint made by Mr O'Brien regarding Mr Mackle. I was not approached by Mr O'Brien, Mr Mackle or anyone else in this regard or any other person regarding this complaint. If there had been a complaint of harassment and bullying made to the Chair, this should have been recorded and dealt with under the Trust's Harassment and Bullying procedure. In preparation of my response I double checked with Mrs Zoe Parks, Medical Staffing Manager, and she confirmed there was no such complaint on record.

- (iv) If you do not recognise the encounter or detail provided by Mr. Mackle, why do you think Mr. Mackle referenced you in his Statement? For example, have you ever had any dealings with Mr. Mackle regarding his role, or Mr. O'Brien, or for any other reason? If so, please explain in full.**

1.4 To the best of my recollection I had no dealings with Mr Mackle regarding Mr O'Brien, save for a disciplinary matter in 2011. On that occasion, Mr O'Brien was accused of putting patient notes in the bin. Mr Mackle was involved, as Mr O'Brien's Line Manager, in seeking advice on dealing with the matter and I provided advice on the correct process to follow. Neither Mr Mackle nor myself had any active involvement in the investigation or the decision-making panel.

1.5 It is clear from Mr Mackle's statement that he did not recall who he had the encounter with and it was only in 2020, 8 years later, that Mrs Corrigan said he told her at the time it was me. He goes on to state that he can't be 100 per cent clear on this. I can only assume that following Mrs Corrigan's comment in 2020 that this was the only reason he referenced me in his statement.

- (v) If not you, do you know who Mr. Mackle may have spoken to? Where you aware of any complaint or conversation involving Mrs. Brownlee, or any other person, with anyone else from administration/human resources (or elsewhere) regarding Mr. Mackle's interactions with Mr. O'Brien?**



Urology Services Inquiry

1.6 I am unaware of who Mr Mackle may have spoken to and likewise I am not aware of any complaint or conversation involving Mrs Brownlee or any other person regarding Mr Mackle's interactions with Mr O'Brien.

(vi) Please provide any further details which you consider may be relevant to the Inquiry Terms of Reference.

1.7 I would refer to my response in question (iv) above regarding the disciplinary matter.

1.8 Having considered the Terms of Reference in the time allowed to answer this notice and having regard to the searches I have completed, I have no recollection of any other matters.

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.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: _____

Personal Information redacted by the USI

Date: 25th January 2023