

BY EMAIL

Dr Bill Kirkup

21 August 2023

Dear Bill,

Letby, witness cooperation with non statutory inquiries and serious failures of witness cooperation during your investigation of baby Elizabeth Dixon's death under the care of Frimley Health NHS Foundation

I noticed that the BBC (through an article by James Gregory and Oliver Slow) reported that you said there in your experience there is no a problem with people cooperating with non-statutory inquiries:

"Dr Bill Kirkup, who has led non-statutory reviews for other maternity units, said non-compliance had not been a problem in his experience and people were "ready and willing to cooperate".

<https://www.bbc.co.uk/news/uk-66553245>

I was surprised to see this given the problems you had with key witnesses not cooperating with your investigation into baby Elizabeth Dixon's death under the care of Frimley Health NHS Foundation Trust.

To recap, you wrote in your investigation report about Elizabeth's death:

"The most troubling aspect of compiling this report has been the clear evidence that some individuals have been persistently dishonest, both by omission and by commission, and that this extended to formal statements to police and regulatory bodies."

"It is, however, greatly regrettable that some of those who were contacted refused to take part in interviews"

You were so concerned about this failure of key witnesses to cooperate that you suggested their professional regulators should consider taking action against these uncooperative witnesses:

“Cooperating with an investigation into a public service is not optional for those involved, and professionally registered doctors and nurses are under a duty to do so. Dereliction of this duty, without even the offer of an excuse, is seriously detrimental to the conduct of investigations, and contrary to the requirement for candour and transparency. The professional regulatory bodies must consider whether those who elected to withhold cooperation were in breach of their professional responsibilities.”

<https://minhalexander.files.wordpress.com/2021/03/bill-kirkup-the-life-and-death-of-elizabeth-dixon-a-catalyst-for-change-.pdf>

In addition to the remark reported by the BBC article, you also gave an interview to Channel 4 in which you stated in response to a question about whether the Letby inquiry should be held in public:

"I think that there should be public involvement in the investigation. At the moment I would call it an investigation rather than an inquiry, but that does depend on what the final format of the thing is. There are ways to do that, without again necessarily pushing everybody into a position where they have to be legally represented. We did that in the Morecambe Bay investigation for example. We had representatives of families attended all the meetings that we had and attended all the, or at least they had the ability to attend all the interviews that we did. That's all a way of discharging that obligation and to be transparent, and to have the families concerned assured that these things are being [inaudible] properly, without pushing for this to go down a very legal route that does complicate the issues enormously."

<https://www.channel4.com/news/we-have-to-get-better-at-spotting-these-events-says-nhs-investigation-chair>

I would be most grateful if you could reconcile your latest reported comment that in your own experience, non statutory inquiries do not run into problems with compliance, with the serious and failure of key witness compliance during your investigation of Elizabeth's death.

Please also note that the non statutory inquiry into Essex mental health service deaths recently ran aground after a mission-critical failure of witnesses to cooperate. This is additional evidence that compliance can be a significant problem in non statutory inquiries. There were fifteen months between the initial announcement of the non statutory inquiry into the Essex deaths and the subsequent announcement of a statutory inquiry on 28 June 2023, which has delayed justice and learning.

<https://www.gov.uk/government/news/government-acts-to-improve-patient-safety-in-mental-health-care>

Also, I would be grateful to know more about the complications that you are concerned would arise if the Letby inquiry is held in public. You alluded to such complications in the interview broadcast by Channel 4, but the news item did not include further details.

Many thanks and best wishes,

Minh

Dr Minh Alexander

Cc Krishna Muru-Gurthy Channel 4

Victoria MacDonald Channel 4

James Gregory BBC

Oliver Slow BBC

Nathalie Malinarich BBC