

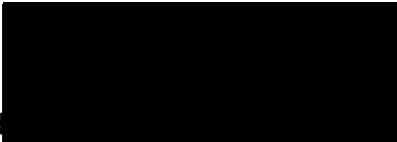
WITNESS STATEMENT TO THE PUBLIC INQUIRY INTO THE OUTBREAK
OF CLOSTRIDIUM DIFFICILE IN THE NORTHERN TRUST HOSPITALS

WITNESS NAME: Peter Johnston

I hereby attach letter dated 30 September 2010 and 6 appendices referred to therein which together constitute my written statement of evidence to this Inquiry.

I declare that the statement is true and accurate to the best of my knowledge and belief.

Signed



Date..... 2 Feb 2011.....

BBC
NORTHERN IRELAND

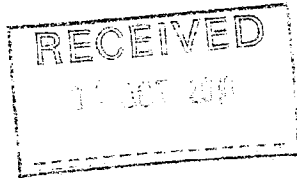
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INQ-114710

Director, BBC Northern Ireland

30 September 2010

Dame Deirdre Hine
Chairman
Premier Business Centre
20 Adelaide Street
Belfast
BT2 8GB



Dear Dame Deirdre

Thank you for your letter of 14 September 2010 inviting the BBC to address complaints made to your Inquiry by members of management and staff of the Northern Health and Social Care Trust. I am grateful for your assurance that the Inquiry is not seeking to criticise the BBC.

Firstly, I would wish to point out that the correspondence between the BBC and the Trust which you enclosed is incomplete. It does not include a reply from our Head of News and Current Affairs to the Chairman of the Trust, Mr Jim Stewart, dated 27 January 2008, which I now enclose (**Appendix 1**).

That letter and our earlier letter of 10 October (**Appendix 2**) set out our response to Mr Stewart's complaints. I would ask you to consider them fully. They make clear that our principal difficulty in reporting this outbreak was in reconciling the conflicting figures supplied to us by senior management in the Trust, the Trust's media office and the Chief Medical Officer, as illustrated by the following:

- On 1 February 2008 the Chief Executive of the Trust gave the BBC's Health Correspondent a grid (**Appendix 3**) showing figures for C difficile-related deaths in Northern Trust hospitals in the period July – December 2007. This put the total at 13;
- On 8 February 2008 the Chief Medical Officer issued figures for C difficile-related deaths in Northern Trust hospitals in Quarter 3 and Quarter 4 of 2007. This gave a total of 22;
- Also on 8 February 2008 the Northern Trust media office issued a written response (**Appendix 4**) to our correspondent listing the ages of 25 C difficile-deceased patients as at 7 February. On 20 February a further press release (**Appendix 5**) from the Trust stated that the total number of deaths in 2008 was 14. Therefore it seems reasonable to assume that the balance of the 25 deaths must have occurred in 2007.

More detail on the above is provided in the appendix (**Appendix 6**) to our letter of 10 October 2008.

In his letter of 11 December 2008 Mr Stewart appears to have expected the BBC to disregard the number of Clostridium difficile-related deaths prior to the Trust formally declaring an outbreak in January 2008, as documented above. We believe it was in the public interest to provide a full account of the deaths relating to Clostridium Difficile including those preceding this date. I also note in your letter to me that your inquiry covers the period 16 June 2007 to 31 August 2008.

I would also draw to your attention to one of the conclusions of the Regulation and Quality Improvement Authority in its review of this outbreak: *"The Independent Review Team found that an outbreak of C. difficile Ribotype 027 occurred in the former United Trust Hospitals of the Northern Trust during the period from 16th June 2007"* (10.2.1)

It is a matter of some regret that we found ourselves in conflict with the management of the Northern Trust during this outbreak. Nevertheless, this was an important matter of public interest and it was our duty to report it factually and as fully as possible. We gave representatives of the Northern Trust several broadcast opportunities to explain developments during the course of the outbreak. While some of these interviews may have been robust and searching, we do not believe that our coverage was unbalanced.

Thank you for offering me this opportunity to set out the BBC's position.

Yours sincerely



Peter Johnston
Director - BBC Northern Ireland

Encs (Appendices 1 – 6)

SUPPLEMENTARY WITNESS STATEMENT TO THE PUBLIC INQUIRY INTO THE OUTBREAK OF CLOSTRIDIUM DIFFICILE IN THE NORTHERN TRUST HOSPITALS

WITNESS NAME: Peter Johnston

I declare that the statement is true and accurate to the best of my knowledge and belief.

Signature 

Date..... *2 Feb 2011*

I have read with interest evidence given to the panel and published on the Inquiry website. In relation to comments made about the BBC I would make the following observations:

In his written statement to the Inquiry Dr Peter Flanagan cites **(3.8)** as an example of "irresponsible" reporting of a television interview with a patient who had CDI. Dr Flanagan said that this patient, who had acquired CDI in another Trust, had advised those watching not to go into hospital, even if they needed surgery, in case they would acquire CDI.

Dr Flanagan appears not to have been made aware of the contents of Andrew Colman's letter of 27 January 2009 to the Trust Chairman, Mr Jim Stewart (**appendix I**). In this letter the words of the patient are quoted as follows: "I feel sorry for anyone going in now. If I had to go back in for an operation of any sort, I wouldn't do it." When asked why not, he replied: "I'd be scared of taking C diff again." So it is incorrect to say the patient actually advised those watching not to go into hospital. We also reported clearly that in this case C diff had been acquired in another Trust's hospital

While health authorities may believe this patient's view to be misguided, it is surely legitimate to hear from those who have suffered from this infection.

Dr Flanagan says that the BBC's health correspondent had calculated the number of deaths by using figures acquired from the GRO, and that as a consequence the number she reported became higher than that reported by the Trust.

Again I would draw your attention to Andrew Colman's letter of 27 January 2009. He points out that the figure of 13 C diff related deaths in Northern

Trust hospitals in 2007 was drawn from a document given to our health correspondent by the Chief Executive of the Trust on 1 February 2008. **(appendix 3)**

I note that in his oral evidence the Chief Medical Officer, Dr Michael McBride, accepted that media scrutiny of the figures for deaths related to C difficile was "a legitimate matter" and that "How many patients died in Northern Ireland in the last quarter?" was a legitimate and entirely appropriate question **(pp 33 & 34)**

I note that in her oral evidence to you, the former Chief Executive, Ms Norma Evans, acknowledged that when the RQIA examined this issue it had decided that the outbreak commenced in June 2007 **(p136)**

I have also recently read the minutes of the board meeting of the Northern Health Trust of 24 January 2008. http://www.northerntrust.hscni.net/pdf/jan_2008_minutes.pdf This was two days after the Trust's declaration of an outbreak. The minutes **(TB12/08)** record that the board received a report on the outbreak from Dr Flanagan and they go on say: "It was noted that figures were changing very quickly and only a snapshot of the situation could be given at any time. Initial reports had stated that **16 deaths in a six month period had been associated with C Difficile** and 27 cases were being dealt with." This again appears to lend further justification to our reporting figures for deaths prior to the Trust formally declaring an outbreak on 22 January.

In their evidence the Chairman and senior managers of the Trust accuse the BBC of "sensationalism". We do not accept that. Whatever the differences in the number of deaths which could be attributed to C difficile, it is beyond question that this was a significant outbreak which generated a high level of public interest and which obliged us to give it a commensurate level of coverage. In the course of this we offered the Trust many opportunities to put across its viewpoint.

27th January 2009

Dear Mr Stewart

Thank you for your letter of December 11. I am sorry it has taken some time to reply. I will try to deal with each of your points in turn.

Firstly, I am grateful for your acknowledgement that we have a duty to report fully on matters of public interest. In this case it is my view that it was our duty to report on all deaths from *Clostridium difficile* in the Northern Health and Social Care Trust from the emergence of this problem, and not just on those that occurred from the date on which you declared an outbreak. In doing so we were not, as you assert, unilaterally deciding that the outbreak commenced in June 2007. We were, in fact, drawing on the following information, which I set out in my earlier letter:

- The figures supplied by your Chief Executive to our health correspondent on 1 February 2008 which gave July 2007 as the date of the first *C difficile*-related death and a total of 13 for that year
- The Chief Medical Officer's figures provided on 8 February which put the total at 22 for the period July-December 2007
- Your press office's statement of the same date which listed 25 deaths up to that point

I accept that the declaration of an outbreak requires detailed expert assessment. However, the fact that the three sources quoted above all listed a significant number of deaths prior to the official declaration of an outbreak in my view justifies our reporting of these figures. Additionally, your Medical Director, in his interview with us on August 4, also referred to the number of deaths which had occurred in the second half of 2007.

I have read with interest the report of the Regulation and Quality Improvement Authority which reviewed the *C difficile* outbreak in the Northern Health and Social Care Trust. You will be aware that the RQIA divided its analysis into three time periods. The second of these was between 16 June 2007, when the first patient was identified with the *C difficile* toxin, and 7 January 2008 when the outbreak was declared. This appears to me to further support our reporting of deaths in the second half of 2007. Furthermore, I note that on Page 9 the authority speaks of 'an outbreak' in 2007 and, again, on Page 10 that 'there was a significant delay in recognising that there was an outbreak of *C difficile*' affecting your hospitals.

You refer to Noel Thompson's interview with Dr Flanagan. I have viewed this interview again and while the questioning was robust, I do not accept that it was aggressive or that Noel Thompson was not listening to the answers.

You suggest that our audiences could have gained the impression that the only C difficile-related deaths to have occurred in Northern Ireland were within the Northern Trust. I would draw your attention again to an interview with the Chief Medical Officer, Dr Michael McBride, in early February last year in which he outlined the extent of the C difficile problem across Northern Ireland. He did, however, say: "We are not seeing an increase in deaths due to C difficile in other hospitals in Northern Ireland, only those in the Northern Trust area."

I have looked again at the report about John Elliott from Portrush who contracted C difficile. I am afraid you have been misinformed about its content. You say that we did not make clear that he acquired the infection at a hospital outside the Northern Trust. On the contrary, we reported he contracted C difficile after undergoing heart surgery at the Royal Victoria Hospital; that he had developed severe diarrhoea on returning home and had then been admitted to the Causeway Hospital. Furthermore, he did not advise all members of the public not to go into hospital for any operation in case they acquired an infection. What he said was: "I feel sorry for anyone going in now. If I had to go back in for an operation of any sort, I wouldn't do it." When asked why not, he replied "I'd be scared of taking C diff again." Thus, he was giving his personal position on the matter, but not issuing any advice.

In relation to your final point, I find it most unlikely that anyone from the BBC would have told the Belfast Trust that we were not interested in following up a C difficile outbreak within their hospitals. However, as our health correspondent at that time has now left the BBC I am unable to take this any further.

Yours sincerely

ANDREW COLMAN
HEAD OF NEWS & CURRENT AFFAIRS, NI

Mr J Stewart
Chairman
Northern Health & Social Care Trust
The Cottage
5 Greenmount Avenue
Ballymena
Co Antrim BT43 6DA

had begun in 2007. However, on 20 February and in all subsequent press statements, your office listed only deaths in 2008.

Shortly after the Trust announced in September that the outbreak had ended, your Media and Public Affairs Manager wrote to all media outlets advising that the total number of deaths during the outbreak (8 Jan-31 Aug) stood at 42 - 'not more than 60 as has been widely reported in a number of media outlets.'

Thus it would appear that your calculations have omitted the deaths which had occurred in the second half of 2007, whether the 13 listed by the Trust or the 22 by the CMO.

I believe our decision to count the number of deaths from July 2007 was editorially justified on the basis that the detailed figures supplied by your Chief Executive showed that the first deaths had occurred in that month.

Given the status of the Chief Medical Officer, as the Northern Ireland Executive's most senior advisor on health matters, it again seemed reasonable to rely on *his* figures when compiling our total. Indeed it may have appeared perverse if we had ignored those figures, when they represented the Department of Health's attempt to present an overview of the extent of the problem throughout Northern Ireland.

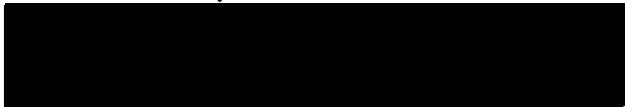
This explains why we were reporting a rolling total significantly higher than the Trust's from mid February onwards. Nevertheless, I do accept we could have done more to indicate the source of our figures, as the story progressed.

You complain that the Northern Trust has had a disproportionate level of coverage on this issue. I would direct your attention to Dr McBride's broadcast remarks in early February when he said 'we are not seeing an increase in deaths due to C difficile in other hospitals in Northern Ireland, only those in the Northern Trust area.'

I am sorry that you felt we had questioned the honesty of your Medical Director, Dr Peter Flanagan, when he challenged the figures we had reported. That was never our intention. However, as an illustration of the difficulties inherent in reporting these figures I would draw your attention to Dr Flanagan's statements in his 'Evening Extra' interviews. On 4 August he twice said the Trust had declared a total of 52 deaths. On 4 September he said the figure was 42.

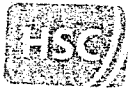
In the accompanying attachment I have tried to provide further details of the information we received during the year. I hope this is helpful.

Yours sincerely


Andrew Colman
Head of News & Current Affairs, Northern Ireland

Enc

Appendix 4



Northern Health
and Social Care Trust

mediastatement

Date : 8 February 2008

Ref : ST 356

For Immediate Release

Response to Dot Kirby regarding C Diff

Age range of C. difficile deceased Patients as at 7th February 2008

Patient	Age
1	79
2	86
3	84
4	81
5	89
6	64
7	46
8	73
9	89
10	79
11	77
12	46
13	86
14	87
15	62
16	83
17	88
18	85
19	84
20	87
21	69
22	49
23	83
24	72
25	97

Appendix 5



Northern Health
and Social Care Trust

mediarelease

Date : 20 February 2008

For Immediate Release

Ref : PR 428

Northern Trust C difficile figures for Wednesday 20 February 2008

"As of Monday 18 February, 2008, there are a total of 18 active cases of C. difficile and 7 patients classified as recovering across the Trust. Five patients have recovered. This compares with an active or recovering total of 28 last week.

"Of the 18 active cases, nine patients are at Antrim Area Hospital, two at Causeway, five at Whiteabbey Hospital and one in each of the Mid Ulster and Moyle hospitals. The situation remains relatively stable.

"Since last Wednesday, two patients have died with C. difficile recorded as an associated factor. This brings to 14, the total of C. difficile associated deaths recorded this year

"A significant piece of work is currently underway to reassess the mortality figures quoted for 2007."

ENDS

For further information please contact: Don Heaney on 9441 3270. Out-of-hours telephone: 08700 555500 and ask for pager number 805493.

Page 1 of 1

Deaths related to Clostridium difficile in the hospitals of the Northern Trust

Chief Executive's figures –

On 1 February 2008 Norma Evans, Chief Executive of the Trust gave Dot Kirby, BBC Health Correspondent, a grid containing the following figures for C difficile-related deaths in 2007 and January 2008:

<u>2007</u>		<u>2008</u>	
July	2	Jan	7
Aug	1		
Sept	0		
Oct	2		
Nov	5		
Dec	3		
Total	13		

Press releases from the Trust -

8 February, 2008: 'age range of C difficile-deceased patients as at 7 February 2008.' The ages of 25 patients were listed

20 February, 2008: 'This brings to 14 the total of C difficile-associated deaths recorded this year.'

27 February 2008: 'Sadly there have been four further deaths...'

4 March 2008: 'In February there were 14 deaths...; there were seven deaths during the month of January.'

6 March 2008: 'One further death was recorded on 28 February.'

3 April 2008: 'During the course of the month (March) there have been three deaths...'

2 May 2008: 'During the course of the month (April) there have been two deaths...'

3 June 2008 – 'During the course of the month (May) there have been three deaths...'

3 July 2008: 'During the course of the month (June) there have been two deaths...'

4 August 2008: 'In July there have been eight patients in the Trust who have died...'

4 September 2008: 'The Northern Trust has declared the outbreak of Clostridium difficile infection over as at 31 August 2008. Sadly during the month (August) two patients died...'

Public Affairs Manager's statement --

11 September 2008: Don Heaney, Media and Public Affairs Manager of the Trust wrote to all media outlets advising that, following the declared end of the outbreak, the number of deaths was 42, 'not more than 60 as has been widely reported in a number of media outlets.' He stated that the outbreak was declared on 8 January and declared over on 31 August and 'all of the deaths occurred in this period.'

CMO's figures --

*On 8 February 2008 the Chief Medical Officer issued Department of Health figures for 'deaths registered where Clostridium Difficile was mentioned on the death certificate.' For hospitals within the Northern Trust the figures showed six deaths in Quarter 3 of 2007 and 16 deaths in Quarter 4 2007

Television interview with Chief Executive 14 February, 2008 -

Dot Kirby: 'So you're expecting the death toll of 36 to turn out to be more accurate than the Trust's current estimate of 27?'

Norma Evans: 'Yes we are'

Radio interviews with Medical Director, Dr Peter Flanagan --

4 August 2008:

'The Trust has declared a total of 52 deaths associated with Clostridium difficile, not 62 deaths.'

'...we have declared a total of 52 deaths and we have substantiated that those deaths have occurred.'

4 September 2008

'Could I correct you about that number of 63 deaths? The number of deaths that the Trust has declared is 42'

'We had declared 42 deaths and these are the number we will stand over.'
