

**MUCKAMORE ABBEY HOSPITAL INQUIRY
WITNESS STATEMENT**

Statement of David Bingham

Date: 23 April 2024

I, David Bingham, make the following statement for the purpose of the Muckamore Abbey Hospital (MAH) Inquiry. This is my second statement to the Inquiry having previously provided a statement to the Inquiry dated 24 April 2023 (MAHI – STM – 115 - 1).

In exhibiting any documents, I will number my documents so my first document will be “Exhibit 1”.

1. In my previous statement I exhibited a copy of the Leadership and Governance Report for which I was a member of the independent review team (with Maura Devlin and Marion Reynolds). This report can be found at pages 587 – 801 of the Ennis Bundle.
2. My report into allegations made against Moira Mannion can be found at pages 802 – 804 of the Ennis Bundle. The circumstances behind the writing of that report are set out in the first page of the report.
3. During the course of our review of leadership and governance at MAH the review team became aware of allegations made by Aine Morrison in 2019 against Moira Mannion and other members of staff. These allegations related to the events surrounding the “Ennis Investigation” that was carried out in 2012/13.
4. The review team in its report gave extensive coverage to the investigation into allegations relating to Ennis Ward. The review team interviewed Aine Morrison and Moira Mannion several times during its review but concluded that it could not deal with the disputed claims of either party in its report as they fell outside its terms of reference.

6. It was agreed with the review team and the Belfast Trust that I, as the Chair of the Review Team, would write to the Trust on this matter and provide my own views on the disputed allegations. This document entitled "Report into allegations made against Moira Mannion" dated August 2020 represents my own views.

7. I wrote another short report into allegations made against Esther Rafferty in similar circumstances which I attach at Exhibit 1. It also represents my own views only.

Section 7: Declaration of Truth

The contents of this witness statement are true to the best of my knowledge and belief. I have produced all the documents to which I have access and which I believe are necessary to address the matters on which the Inquiry Panel has requested me to give evidence.

Signed:



Date: 23 April 2024

Exhibit List (David Bingham)

Exhibit 1: Report into allegations made against Esther Rafferty – September 2020

Introduction to Allegations made against Esther Rafferty and Concerns Raised by Her

In late 2019 the Department of Health (DoH) asked the Health and Social Care Board (HSCB) and Public Health Agency to commission a review of Leadership and Governance at Muckamore Abbey Hospital (MAH) for the period 2012 to 2017. The terms of reference of the review sought to ascertain to what degree, if any, leadership and governance arrangements in the Belfast Trust contributed to the abuse of vulnerable patients going undetected. A team was appointed in January 2020 to carry out the review. The team completed its work in July 2020 and its report was published on 5 August 2020.

During the course of its work the review team became aware of allegations made by Aine Morrison (AM) in 2019 against Esther Rafferty and other members of staff. These allegations related to events surrounding the Ennis Investigation that was carried out in 2012/13. . Allegations had been made in November 2012 regarding the abuse of several patients in Ennis Ward at MAH. At that time Aine Morrison was then Operations Manager in the Belfast Trust's Learning Disability Service with responsibility for community multidisciplinary learning disability teams. On hearing of the allegations, A M stepped in to take on the role of Designated Officer (DO) and led the investigations into the allegations of abuse. The Belfast Trust asked the Review Team to comment on the allegations made by AM in 2019 against Esther Rafferty and another member of staff. The review team considered that such a request was outside their terms of reference and declined to make comment. It was agreed however that I would provide a written report to the Belfast Trust setting out my personal views on these matters based on the evidence collected by the review team.

The Belfast Trust has also asked for comment on concerns raised by Esther Rafferty on her treatment by management since she was removed from her substantive post. However, as these concerns related to matters largely outside the time scale of the review team (2012-2017) there is limited evidence on which to make conclusions. I will however make some limited comments on matters relating to her concerns.

Background to Ennis Allegations

Esther Rafferty took up post as Service Manager at MAH in January 2012. She was also designated as Associated Director of Nursing. Esther came from a background of mental health nursing rather than learning disability and she told the review team that her appointment was met with hostility from some members of MAH staff. One of her key objectives was to resettle where appropriate, patients into community settings. This would allow the hospital to focus on treatment and assessment for remaining and new patients. This was in keeping with the objectives of the Bamford Review and the policy of the Department of Health and the HSCB. Not everyone was

signed up to that agenda. There was resistance from some relatives as well as some members of staff. As many patients had lived in MAH for decades concerns expressed about resettlement were understandable.

On 8 November 2012, the Belfast Trust received allegations that four patients in Ennis Ward were the subject of verbal and physical abuse. The allegations were made by a member of staff employed by a private provider. Other staff from this provider made similar allegations following initial investigations. On receipt of the allegations 3 members of MAH staff were placed on precautionary suspension. Esther Rafferty was involved in the suspension process and communicated the matter to the appropriate channels. A Vulnerable Adult Safeguarding Review was established immediately to investigate the allegations. The review was led by AM.

The Allegations

AM provided a 9-page written account of her experiences in acting as the DO into allegations of abuse on Ennis Ward at MAH. This account was given to the review team in February 2020. It appears to have been written in December 2019 in anticipation of a review team being appointed. The review team understands that it was also given to the Belfast Trust. It contained a number of allegations against several members of staff. The allegations as they relate to Esther Rafferty can be summarised as the follows

- She disagreed vehemently with AMs approach to the investigation and tried to overrule her,
- There was significant opposition from hospital staff including ER to the part of the protection plan that required 24 hour monitoring,
- She did not provide adequate support to AM during the investigation
- She criticised the external staff who made the original allegations of abuse in the Ennis Ward,

Esther Rafferty provided the Belfast Trust with a response to the allegations; this was made available to the review team. She stated “at no time was I uncooperative or unprofessional and in all instances I considered the safe care of patients in all wards” Esther went on to give examples in her statement where she actioned further suspensions and monitoring at AMs request. There may have been a disagreement at the outset of the investigation as to whether Esther in her management role at MAH should have played some part in the strategic oversight of the investigation. AM thought she and other members of the MAH management team shouldn't have a role, Esther though she should. Esther sought the views of her Director who ruled that no member of the MAH team should be involved at least in the initial stages of the investigation. Esther accepted this ruling.

The review team in its report stated that AM in her role as the DO appeared to have an oversight function in respect of the operation of the Ennis Ward during the period of investigation. It was their opinion that this was not appropriate and served to weaken the focus on completing the investigation within an acceptable timeframe and had the potential to undermine the managerial system at MAH. It may explain why there were tensions between AM and other managers at MAH during the investigation.

From the outset the written statement made by Aine Morrison raised several questions. The main question being why it was written some seven years after the events that it alleged. Aine was asked about this by the review team but failed, in their view, to give an adequate explanation. The team also found that the Ennis investigation, which she led, took an extensive period to complete which diluted its impact. The report of the investigation was not brought to the attention of the Trust Executive Team or Board.

Conclusions Regarding the Ennis Investigation

Although the Review Team did not comment in its report on the veracity of the claims made by Aine Morrison against Esther Rafferty it did gather information, which I have used in reaching my conclusions.

Firstly, there is the matter of why these claims against Esther Rafferty were documented some seven years after the event of the Ennis Investigation. There is no record or hint of them being made at the time of the Ennis Investigation. The time gap and the apparent need of the author of the allegations to get her side of the story on record some 7 years later does not lend credibility to the allegations.

Secondly the Review Team found that the DO exceeded her brief in becoming operationally involved in the running of Ennis Ward. This may have brought her into conflict with Esther Rafferty in her role as Service Manager at MAH. The DO should have concentrated on completing the investigation in a timely manner rather than become involved in operational matters.

The review team could find no evidence to corroborate AMs accusations. It did however observe that Esther had from the commencement of her employment at MAH sought to carry out her duties in a professional manner. Her concerns about staffing levels being an example of this.

In summary I would conclude that there is no evidence to uphold the claims made by Aine Morrison against Esther Rafferty. It would be wrong to leave these allegations

unchallenged. During the review team's work, a great deal of evidence was collected regarding the Ennis investigation and none of it would support the allegations made by AM against Esther Rafferty. It is my conclusion that the allegations as they relate to Esther in 2012/13 are not substantiated and should not cast a cloud over her record as a manager and professional nurse during that period.

Other areas of Concern

The Belfast Trust asked the review to consider other areas of concern that Esther Rafferty has raised about her employment since 2017. The review team considered that it would not be appropriate as it fell well outside their terms of reference. I have agreed to comment where appropriate on these matters where evidence has been collected during the course of the review teams work. However as most of the concerns raised by Esther fall outside the timelines of the review there is limited scope for me to comment.

The review team found that there was evidence of a dysfunctional team on the leadership on the MAH site. Leadership was ineffective and did not prevent or challenge a culture of institutional abuse. Esther was a senior member of that team so should bear some of the responsibility for the issues at MAH. In mitigation the review team found that there was a lack of support for her at times from her superiors. She did speak up on issues that concerned her, nurse staffing levels and the use of SAIs being but 2 examples. The following issues suggest that she tried to raise issues of concern but was obstructed by other colleagues

- Nurse staffing levels at MAH were a concern to her and she placed those concerns on the local risk register, however for reasons that the review team could not discover these risks weren't escalated to the Corporate or Principle risk registers.
- She tried in August 2017 to raise an SAI relating to the assault on a patient but this was resisted by the governance manager in Learning Disability services. The intervention by the father of this patient ultimately led to the discovery of historic CCTV recordings.
- When she viewed the CCTV on 20 September she immediately contacted her Director of Nursing. She played no part in trying to contain bad news within the MAH site.
- She intervened on a number of occasions to try to warn senior people in the trust that the amount of CCTV recording was being repeatedly underestimated or concealed. Had she been listened to the Trust might have addressed the huge task of viewing the recordings at an earlier stage
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Conclusion about Other areas of Concern

I am reluctant to comment on how Esther Rafferty has been treated by the Belfast Trust since she was removed from her substantive post. I do not have the evidence that would be needed to do so. I would however observe that Esther has consistently tried to be open and transparent about matters at MAH. This may have made her unpopular with some who did not want to hear what she had to say.

David Bingham September 2020