

Ref : PB/MEL/JNH/10070825-0001  
Filed on behalf of : The Claimant  
Witness : Edward Stevenson  
Statement No : One  
Made : 25 January 2011

IN A PROPOSED MATTER

B E T W E E N:

**PAULA STEVENSON**  
**(Personal Representative of the estate of**  
**HAYLEY ELIZABETH FULLERTON Deceased)**

Claimant

-and-

**BIRMINGHAM CHILDREN'S HOSPITAL NHS FOUNDATION TRUST**

Defendant

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**WITNESS STATEMENT**

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I, **Edward Stevenson** of 115 Newcastle Road Kilkeel Co Down Northern Ireland BT34 4NJ Will say:-

1. I am making this statement follow the death of my granddaughter Hayley Elizabeth Fullerton at the Birmingham Children's Hospital on the 11 November 2009.
2. Hayley was the only child of my daughter Paula and her husband Bob. Her date of birth was 6 October 2006. My family and I have a significant number of concerns in respect of Hayley's treatment and how our complaint has been managed by the Trust. But I have confined myself to the key issues in respect of the treatment only for the purposes of this statement.
3. When Hayley was born at the Royal Victoria Hospital in Belfast she had problems with her heart and was diagnosed with Pulmonary Atresia and VSD and needed surgery. This was carried out in the above hospital and we were informed that Hayley would require more surgery approximately 12 months later. Hayley had many a near shave in her early

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life but came through them all and after a 9 and a half week stay in hospital, she came home to our home in Killeel for Christmas. We were overjoyed.

4. Due to the retirement of the Cardiac surgeon and the Trust's failure to find a replacement we were asked which hospital we would like Hayley to attend. My family and I discussed our options carefully and all decided that Birmingham Children's Hospital was the best option as we felt that the surgeon Mr Brawn was the best person to perform the surgery.
  
5. My wife and I travelled over to Birmingham with Paula, Bob and Hayley to help Paula until Hayley was well enough to come home. Hayley's operation was carried out successfully on 14<sup>th</sup> October 2009. Mr Brawn did a brilliant job and assured us all was okay and that he was very pleased with Hayley. We were informed that there was nothing to stop her living a normal life but she would need another small operation when she was about seventeen but it was nothing to worry about. It was fabulous news.
  
6. Whilst in the Paediatric Intensive Care Unit (PICU) staff inserted a tube which was too long and caused Hayley's lung to collapse. I was not at all happy about this but decided to say nothing as Hayley was slowly getting stronger. Hayley continued to show progress until the 31 October 2009 she was moved to ward 12 and then into ward 11 on the 2<sup>nd</sup> November 2009.
  
7. Hayley was still on oxygen when she was moved into ward 11 and for the first few days the staff were bringing down the oxygen levels in an attempt to get her off oxygen altogether. On each occasion when the oxygen level got too low, Hayley's SATS dropped and it would have to be turned back up again. Even though Hayley appeared to brighten up a bit she was still fully depended on her oxygen supply. The staff assured me and the rest of the family that this was normal as Hayley was small for her age and therefore it

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might just take her a little longer than normal. I accepted their explanation as they were the so called experts.

8. The nurses in ward 11 had great difficulty with their monitors. They were going off all the time even according to nurses when they shouldn't have been. The nurses claimed that they were new monitors and they were not as good as the old ones but my view was they didn't know how to set them. Their answer to the problem was to turn the alarms off and suggested that I watch the monitors and just make sure the readings didn't fall below a certain level.
  
9. During this same period I observed that the wound in Hayley's chest was getting worse. There was a lot more pus coming from it and I was becoming increasingly concerned. I asked the doctors and nurses about this and respectfully requested that they change the dressing more often to keep the wound clean and give it the best chance to recover. Dr Ben Anderson assured me that he had put a note on Hayley's chart for 'dressing to be changed twice daily'. This did not materialise and Hayley's dressing was never changed twice daily. I still to this day do not understand why Dr Anderson did not write in the notes that the dressing had to be changed twice daily. The staff had to call the surgeon from the theatre on two occasions to reopen the wound as the pus had sealed the wound up. If the dressing had been changed more often this would not have been necessary.
  
10. On Friday 6 November 2009 Hayley took a turn for the worse. Hayley's oxygen had to be turned up as her SATS kept dropping. It was very hard to get Hayley to eat or drink. When Paula came that evening she asked as she always has done, how much Hayley had to eat and drink that day and when I told her, she was not amused and she soon noticed that Hayley was not well. The nurse who filled in the observation sheet at 15:30hrs noted that Hayley was in mild respiratory distress. I was worried as I left the

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hospital that night as Hayley's health seemed to be deteriorating when she should have been getting better.

11. When I came back into hospital on Saturday 7<sup>th</sup> it was clear to see that Hayley had got worse overnight. But the odd thing was that the ward staff did not seem too concerned about the state Hayley was in.
12. I waited until Dr Ben Anderson came to do his round and for the first time I decided to speak up and ask him some questions about Hayley's condition. I asked how much danger Hayley was in? Did she need more surgery? What can we do to help Hayley as she was by this time head bobbing? I was unaware at this time that head bobbing in a child means that they are in severe respiratory distress.
13. Dr Ben Anderson assured me that Hayley was fine and he explained that he had seen children with much worse head bobbing in the past. He said that it was probably due to the fact that she was so small and had spent a lengthy period of time in PICU. He informed me that her body was fighting off the chest infection, so it was just going to take a bit longer for her to get better and there was nothing to worry about. Against my instincts I believed him and trusted that he knew what he was talking about, although it was plain to see that Hayley was suffering.
14. My wife started to notice that Hayley was getting very puffy and might be retaining fluid. So we asked about this. Again the nursing staff assured us it was nothing to worry about. We asked if it was possible to weigh Hayley. This was done and they assured us that all was okay.

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15. I talked to my wife about Hayley's weight gain as it seemed quite strange to us. Hayley had put on almost 500g in eight days. This to me was very unusual as it was very hard for Hayley to gain weight and as she was hardly eating anything. Needless to say we queried this with the nurses and asked if it could be a build up of fluid. Again we just got the standard reply; all was fine and there was nothing to worry about. When I left that evening Hayley was in very poor shape and the family were becoming increasingly concerned.
16. When my wife and I arrived at the hospital on Sunday 8<sup>th</sup> I had a long talk with Paula to assure her it was okay for her to go back to hotel for some rest. I assured her that I would re-question the doctor when he was doing his round. Paula was sick with worry.
17. I asked Dr Ben again similar questions as I had asked the day before and again he assured me Hayley was not in any danger and to just wait a little longer and she will turn the corner. My wife also asked similar questions and was given the same answer. We had a long talk about what we were told after the doctor left. We were not happy but assumed the doctors knew what they were doing. Hayley did not improve at all for the rest of the day and continued to deteriorate.
18. On Monday morning 9<sup>th</sup> November Hayley was even worse. When the doctors came round on the so called grand rounds I listened as Dr Ben Anderson told Dr Stumper and the rest of the team that Hayley was fine. I could not understand this. You did not need to be a doctor to see that Hayley was far from fine, anyone could see this.
19. I was really worried for Hayley's health so I did something which I would never normally do. I stood up and said 'excuse me but Hayley is not fine. Her wound is getting worse and her breathing is really bad'. Dr Stumper listened to me and gave Hayley a very quick

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examination. He then asked when her last X-ray was. I told him that it was on 30 October so he requested another X-ray and for bloods to be taken. He went on to talk about Hayley getting transferred back to Belfast to finish out her recovery there. This was all very reassuring, and it finally felt as though something was being done to help Hayley, so we felt little bit better.

20. I did not know at the time that when I pushed Hayley in the pram down for her X-ray that it would be the last time I would ever push Hayley in a pram.

21. We waited until later that day for the results. At approximately 18.00 hours the SHO opened the door and said that the bloods were fine but Hayley needed some physiotherapy. Again we were told there was nothing to worry about. The door was then shut and the SHO disappeared. We did not get the opportunity to ask any questions and they did not even ask us if we understood what we were being told or anything. We were even unsure about why Hayley required physio.

22. When Paula came in that night I told her about Hayley's results. She wanted to know when the physio would be done so I went off to find the SHO. She told me that it would not be until the morning. The family knew that time was of the essence at this stage and we were unsure why action was not taken. When I left the hospital on Monday night I knew Hayley was in serious trouble but I did not know what more we could do.

23. When I came in on the morning of Tuesday the 10 November 2009 things had taken yet another turn for the worse. Hayley was in a head box with 5 litres of oxygen being pumped in to keep her SATS up.

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24. After talking to Paula I learnt that Hayley had got worse during the night and had to have an X-ray on her lungs. The SHO had told the X-ray department that Hayley was in severe respiratory distress.
25. The SHO had seen the X-rays and had tried to get in touch with the physiotherapist during the night because Hayley was in severe respiratory distress and required urgent treatment. For some reason they were unable to attend. She was also in touch with PICU and informed them of the situation. They told her Hayley needed a lot of physiotherapy. We did not understand why nothing was being done.
26. I suggested to Paula that she should go back to the hotel to get some rest as it had been a long night for her. I assured her that I would keep an eye on things but she blankly refused as she was so worried about Hayley. I did manage to persuade her to go out and get something to eat but she did not stay away very long.
27. The nurse who was assigned to look after Hayley from then on was very good and she did her best to care for Hayley. I heard Paula tell this nurse that she thought that Hayley had been overlooked and neglected and that she would have to start speaking out more to try and get Hayley the care she deserved and needed. The nurse went straight to the ward manager who came to the ward and asked Paula if she wanted to make a complaint. Paula explained to the ward manager that all she wanted was for the staff to listen to her concerns and for the hospital to look after Hayley and make her better.
28. Later on that same day as Hayley lay in the head box struggling for every breath, and nobody was doing anything about it, Paula saw the registrar Zdenka Reinhardt on the ward and went to her in an effort to get some help and explained the terrible state Hayley was in. Again she said that she felt that Hayley had been neglected. The registrar told

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Paula she would give Hayley's wound infection number one priority and she would organise extra support for Hayley.

29. Then at about 1pm Paula and myself observed Sister Sheila Bennett and another two members of staff have a discussion outside Hayley's ward and without even a glance in our direction Sheila Bennett reach up to a sign, which had got isolation printed on it, and turned it round. Then they all just walked off.
30. I went out to the corridor just to check and make sure that what I had seen was correct, and it was. We were shocked and could not understand why Hayley was put into isolation. Later on a nurse came in and said they were going to send off a sample from Hayley to check for swine flu. Needless to say, this scared the life out of us. We were told not to use common areas of the ward.
31. It only took a short time for us to figure out that Hayley being put into isolation was nothing to do with swine flu. Hayley did not have a temperature, no coughs or cold and nobody came to take a sample from Hayley until 6 hours later. Nobody, including doctors or nurses, had ever mentioned swine flu to us before.
32. It was plain to us that Sister Sheila Bennett did not want any thing more to do with Hayley because we had dared to question why Hayley was deteriorating and state that she had been neglected. The decision by the staff to put Hayley in isolation had a very adverse affect on the care that Hayley received. The level of care Hayley received on Ward 11 was unsatisfactory from the start, however, this made things much worse and we all felt alone.

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33. At approximately 3pm a member of the surgical team came into the ward to open up Hayley's wound for a second time because the dressing had not been changed and it had sealed over again. I again had the job of holding Hayley down while the surgeon opened the wound. It was heart breaking.
34. While this was happening Dr Stumper came in and looked over the surgeon's shoulder to see what was going on. He asked if the wound was better or worse. It was still very bad but I was able to tell him that some of the redness around the wound had gone down a little.
35. My wife who had been sitting down because she could not bear to see Hayley being opened up, stood up and simply said to Doctor Stumper "what about Hayley lungs?". He then glared at her and said in a sarcastic voice "physio". My wife proceeded to ask "will that make her better?" and he actually shouted "yes physio" at her and gave her a look of utter contempt before storming out of the ward. Sylvia sat down in shock and disbelief at what had just happened. To be honest I was in shock too. I could see how upset she was as she was laughing nervously. She started gathering up her handbag and started to put on her coat. I asked where she was going but I did not get a reply. As Sylvia was heading for the door, I told Paula to go with her and get her a cup of coffee and that I would stay with Hayley.
36. Hayley's monitor was sounding at very regular intervals but no one would come. I was not even sure that they knew that they were going off because we were in isolation. I made sure that I waited at least 20 minutes before going to the nurses station to ask for help. They would just come in to make sure Hayley SATS were not too bad and reset the monitor before disappearing off again.

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37. The monitor would go off again very shortly after they left the room and we did the same thing over and over again. Hayley's line also kept occluding all the time and despite our efforts nobody wanted to do anything about it.
38. Around 6.00pm SHO Niddi opened the door to the room and spoke to Paula. She told her Hayley's lungs were not serious. SHO Niddi then went to shut the door but as she did Paula stated that the situation had to be serious because Hayley was still getting worse and was now in an oxygen head box struggling for every breath. SHO Niddi was still determined to walk away and said something along the lines of "I have to go and organise the handover". Paula and I were not surprised by her reaction, she was happy to turn her back on Hayley. Paula subsequently responded and said "just go ahead and do that as it is far more important than my child's health". At this point SHO Niddi came into the room and sat down on the floor and started to apologise to Paula. Paula asked her to get up off the floor and talk to her as an equal. Paula then told SHO Niddi some of her concerns over the way Hayley was being treated and that it was too late for apologies. Paula made it clear that all she was worried about was getting Hayley back to full health. Paula then told SHO Niddi that she had held her back long enough from her important task and she better go and do it. I could hear the fear in Paula's voice. She was desperate for someone to help.
39. I stayed at the hospital a bit later than usual that night and helped to put dry bedding and clothes on Hayley before I left as the head box and the oxygen left everything wet. Before I replaced the head box I give her my usual kiss and told her I loved her and would see her in the morning. Hayley just looked up at me as I replaced the head box, with those big eyes as if to say please help me Granddad. I left the hospital feeling very useless but not even dreaming of the news I would get the next morning. Even at this stage I felt sure

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someone, somewhere within the hospital would see what even a lay person could see and do something to fix Hayley.

40. I never saw Hayley alive again.

41. The matters referred to in this witness statement are within my own knowledge except where stated otherwise.

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

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