



## Exclusive: Hunt orders investigation of 'regulatory gap' baby death case

8 SEPTEMBER, 2015 | BY CRISPIN DOWLER, SHAUN LINTERN

The health secretary has promised an independent investigation of the death of a baby whose 'incredibly distressing' case highlighted a regulatory 'gap' in the NHS's ability to probe historic complaints.

- Jeremy Hunt promises investigation into death of baby Elizabeth Dixon in 2001
- Mike Durkin to commission investigation in new NHS Improvement role
- Family says they are "relieved" the case will now be investigated

Jeremy Hunt told *HSJ* he had intervened in [the "frankly heart breaking" case of Elizabeth Dixon](#) after her family's concerns had been "passed around the system" for "far too long".

He said NHS England patient safety director Mike Durkin would commission an independent investigation of the case in his new role [in charge of patient safety at NHS Improvement](#) – the regulator to be formed by merging Monitor and the NHS Trust Development Authority.

Elizabeth was born prematurely at Frimley Park Hospital in 2000. She was left with permanent brain damage after hospital staff failed to monitor or treat her high blood pressure, and in 2001 she died of suffocation when a newly qualified nurse failed to keep her breathing tube clear. The cause of her brain damage was only confirmed in 2013.



Source: [Rex Features](#)

The Dixons' case had been 'passed around the system far too long', Jeremy Hunt said

Over the past decade, [her parents have amassed a dossier of evidence](#) which they say proves their daughter suffered poor care and that the circumstances were covered up by senior clinicians and officials in a number of organisations.

The family's hopes for a joint investigation by NHS England and the Care Quality Commission were dashed last year when [NHS England pulled out at a late stage](#), prompting CQC chief executive David Behan to warn of a ["gap in the system" preventing investigation of historic complaints](#).

Parliamentary and Health Service Ombudsman Dame Julie Mellor later pledged to close this gap by considering serious historic cases, in spite the watchdog's usual 12 month time limit. However, the watchdog also eventually refused to probe Elizabeth's case, after a lengthy preliminary process the family described as "torture".

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Speaking to *HSJ* yesterday, Mr Hunt said: "It's an incredibly distressing case. When you look at the details of what's happening, it's frankly heart breaking. It does need an investigation and I think for various unintended reasons, the case was passed around the system and it's happened for far too long.

"But I have spoken to Mike Durkin about the case, and he has said that he will make sure there is an independent investigation, which he will commission as part of his new role heading up the safety function at NHS Improvement.

"I can't say what the outcome of that investigation is, but I hope that will give some comfort to the Dixon family that we are taking this very seriously, and we do want to get to the bottom of what happened."

Elizabeth's parents Graeme and Anne Dixon said they were "relieved" that Anne's antenatal care, the care of Elizabeth and her subsequent death were going to be investigated.

They added: "We await the details of the investigation but we hope it will explore thoroughly both health [and] care and justice matters, as had been offered last year. Our hope is that it will help us achieve a second inquest into the death of our daughter.

"We are grateful to the secretary of state for intervening after the PHSO decided it couldn't take the case forward, and hope that this intervention will help lead to safer care for other expectant mothers and children, especially those with learning difficulties, and the advancement of dedicated teams of nurses and carers for adults and children needing breathing support in the community, thereby reducing the risks which may and have come so tragically for our daughter and others, with ad hoc agency care and excessive working hours.

"We should like to thank *HSJ* for highlighting our daughter's case and all the people who have supported us along the way."

- [Read \*HSJ's\* full exclusive interview with Jeremy Hunt, marking three years as health secretary, on \[hsj.co.uk\]\(http://hsj.co.uk\) tomorrow](#)



## READERS' COMMENTS (1)

DAVID DREW | 08-SEP-2015 2:43 PM

The Dixon's have won, with Shaun Lintern's support, an investigation into the circumstances of the damage and death of their daughter Elizabeth. That it has taken the Secretary of State for Health's instruction to secure this is shocking. Normal standards of clinical governance would have given them this years ago. The culture they encountered in their quest for truth appears to be that described by Sir Robert Francis in his Freedom to Speak Up Review, "Delay, Defend, Deny". But on this occasion it involves all those in the NHS upper echelons who, because of the so called "regulatory gap", refused to listen, refused to help. Jeremy Hunt says that it is for "various unintended reasons" that the Dixons have been passed from pillar to post for years. Those who have suffered as complainants in such a merciless system are likely to be less charitable. In any case it is essential that Mike Durkin listens to the Dixons and ensures the investigation answers their questions including why they have been blocked by his own employer NHS England. (Does that not in itself constitute a conflict of interest in his responsibility for the investigation?) He has the opportunity to ensure that never again are parents or other relatives turned away when asking valid questions about serious harm to their loved ones.