

Transcript of Radio Ombudsman #25: Will Powell on the tragic loss of his son and his 30-year quest for justice

Will Powell talks to Rob Behrens and Nick Bennett about his son Robbie, who sadly died 30 years ago when he was just ten years old. In the years following, Will learnt that the health authority admitted liability for the failure to diagnose Robbie's Addison's Disease and has been campaigning for justice ever since.

Rob Behrens: This is Rob Behrens, welcoming you to Radio Ombudsman in lockdown, wishing you a happy new year. Now, because of the pandemic, I am in a sunlit Mill Bank, overlooking the House of Commons in London. But my co-presenter, Nick Bennett, who is the Public Service Ombudsman in Wales, is also in Wales. You're very welcome, Nick, thanks for joining us.

Nick Bennett: Thank you, Rob.

Rob Behrens: And our very special guest today is Mr Will Powell, who is also in Wales. Mr Powell, thank you very much for joining us, it's an honour that you have joined the programme.

Will Powell: Thank you very much for the invitation, Mr Behrens and Mr Bennett.

Rob Behrens: Now, Mr Powell, your much-loved son, Robert Darren Powell, died on 17 April 1990, when he was just 10 years old. Of course, it's every parent's worst nightmare to lose a child, but your grief was exacerbated when you learnt that the health authority admitted liability for the failure to diagnose Robbie's Addison's Disease.

And that is what the subject of this podcast today is about. And we want to hear from you about what happened, both before Robbie died and after he died. And what we can learn from this dreadful

incident. But before we get into that, could you just tell us a bit about yourself and your own background?

Will Powell: Well, I was born in Glasgow in 1953. I didn't go to school much and I left school when I was 14. The only qualification I had was a truancy card. I hadn't been a scholar at all. And that wasn't the fault of the education authority, that was my fault, because of the environment in which I lived.

When I left school, I went on to be a motor mechanic and a plasterer and got married to Diane and we had three beautiful sons.

Rob Behrens: When did you move to Wales?

Will Powell: In 1968, when I was 15. My dad was Welsh. And my dad actually had the house from his family that I live in today. My father was born in the house that I live in, and it was a family house, that my father purchased very cheaply from his two brothers and sister.

Rob Behrens: In terms of the values that were instilled upon you when you were very young, what in particular did you inherit, do you think?

Will Powell: From my parents, I learnt to tell the truth, be honest, and really admit when you're wrong. And I can always remember my mother telling me, when I did something wrong as a child, that, "If your friend asked you to jump in the river, would you jump in the river?" That's just how we were brought up.

I mean, 1953, when I was born, it wasn't that long after the war, people didn't have money. And Glasgow was quite a poor area, as you will know. So, we were just brought up with good values. And my mother worked very hard, she had three jobs, at one time. And my

father worked as well, as a chauffeur. Just ordinary working-class people.

Rob Behrens: Extraordinary working-class people, I think. Nick, do you want to come in here?

Nick Bennett: Yes, thank you, Rob. Mr Powell, coming back to your family's experience, could you talk us through what happened with Robbie?

Will Powell: Right. Well, as I said, Robbie was the youngest of our three children. In 1989, just before he was 10 years old, he became ill. He was dehydrated, vomiting and had abdominal pain. He was rushed into Morriston Hospital, on 5 December 1989. We were told that he had arrived just in time.

Unknown to us then, he had Addison's Disease, which is a condition that invariably results in death without treatment. This disease was suspected. An ACTH test (a test to examine the function of the adrenal gland, typically used to diagnose Addison's disease) was ordered, but we were not informed of the test, or of the suspicion of Addison's Disease. In fact, my wife was told it was gastroenteritis, when in fact it couldn't have been.

Robert was discharged from the hospital, after being in there for four days. He had lost a third of his body weight, he looked like a child from a concentration camp, he was so thin. And that is a symptom with Addison's, you become dehydrated, you lose your blood pressure, and that results in a heart attack, which can be fatal. But as I said earlier on, it's treatable.

So, five weeks later, we have an outpatients appointment with the paediatrician, Dr Forbes. I didn't go because I was working, my wife took Robbie on her own. Dr Forbes couldn't believe how well he looked, because he had now gained his weight, he had gone from 21kg to 27.2kg, which was quite a big jump.

And he just said, "You look wonderful, boy. I can't believe you're the same child who we saw in December." And my wife asked him, "Was it gastroenteritis?" and he said, "Yes, it was," and he made no reference whatsoever to the suspicion of Addison's Disease or the need for the test.

He had decided at that time obviously not to do the test. And yet, he couldn't eliminate Addison's Disease, because there were other tests that he could have done, and he didn't. So, they couldn't eliminate Addison's, and that's the part that my wife and I can't understand.

It was a failure not to tell us about the suspicion and the test, and not to put us on notice of the fact that Robert could still have it. As far as we were concerned, Robert had gastroenteritis caused by a throat infection, it's not an illness that is recurrent.

I mean, it can happen again, but it's not something that you can have because you've got an underlying problem. It's because it's a problem that can arise at any time, if you eat affected food or you drink something that's contaminated. But in any event, Robert was fine up until the beginning of April.

One thing I have to mention to you - sorry - is that the hospital did write to the general practitioners and they told them that Robert was suspected of Addison's Disease and that he needed the ACTH test.

Now, I know that because I saw the letter after death. And the letter was actually headed 'information given to relatives, needs ACTH test'. That was post-death. So, up until April, when Robert became ill, we knew nothing about the Addison's or the test.

So, we took Robert to the health centre, he began to vomit, he wasn't feeling well, he was losing a little bit of weight. Because he nearly died in the December, my wife and I panicked, because we had never experienced anything like that. So, to reassure my wife, I said, I'll take Robbie down to the health centre.

The GP that we saw on this occasion, which was 2 April 1990, was the actual GP who had admitted Robbie to hospital the previous December, when Addison's had been suspected.

As I understand it from a subsequent statement, he didn't read Robert's medical records and was therefore unaware that Addison's Disease had been suspected, or that he needed an ACTH test. The suspicion and the test hadn't been flagged up in Robert's GP notes for any subsequent GP to know of the suspicion, and how Robbie's life was at risk. He couldn't find anything wrong with him, and I took Robbie home.

Robbie was sent to school, because he'd been given the all-clear, and then on 5 April he was sent home. On 6 April I took him to see a GP down at the health centre for the second time. She apparently didn't look at the notes either, as she admitted in her subsequent statement. She examined Robert and said she couldn't find anything wrong, which I again accepted.

Robbie became weaker and weaker by the day, and on 10 April we tried to encourage Robbie to eat something as he hadn't been eating. He ate some fish, peas and chips and sadly vomited it all back up on his plate. We then decided that both my wife and I would take Robbie to the health centre on 11 April, which we did.

This doctor did read the medical notes. He was aware that Addison's was suspected. He was aware that the ACTH test had been requested and not done. He prescribed dioralyte for Robbie's vomiting, and he said he would refer Robbie immediately back to the paediatrician at Morriston Hospital where Addison's had been suspected.

Although this doctor was aware that Addison's Disease invariably results in death, and any minor illness can precipitate an Addisonian crisis, which can be fatal, the doctor didn't tell my wife or I of Robbie's life being at risk.

Robert continued to deteriorate. So, on Sunday 15 April, I telephoned for a home visit. The doctor said to bring him down to the community hospital as this was a Sunday and he would see him there. I carried Robbie from his bed because he was bed-bound and I

put him into the car. I then drove him to the local hospital which was about a mile from my home.

I carried him into the hospital and took him into the consultation room. He was examined now by this GP. He thought Robert could have glandular fever and decided to prescribe amoxycillin for his condition. I gave him a full history of everything that had happened, and that Robert had been referred back to the hospital. By this time, Robert was losing quite a lot of weight.

The doctor didn't check Robbie's blood pressure and later said that he wasn't dehydrated, even though he was weak and clearly had lost weight. And we just carried him back to the car and we took him home. The following day, which was 16 April, Robert started to vomit froth. So, we called the GP out again.

A fourth GP came out that day. He looked at Robert and decided he wanted to do a blood sugar test. He went to his car, and then came back shortly later saying that his test equipment was out of date, so he wasn't able to provide the test. We asked him to admit Robbie to hospital, he said there was no need, but if the child deteriorated or vomited, he would admit him if we call.

The doctor the previous day had ordered blood tests for Robbie and had asked us to come to hospital on 17 April. However, the GP this day delayed those blood tests saying that they may be shut because of the Easter bank holidays. He left the house, with the message for us to phone him if Robert deteriorated or vomited again, and he would then be admitted to hospital.

The next day Robbie wanted to go from his bed to the toilet, but couldn't do it himself, so my wife assisted him. As she got into the bathroom, holding Robbie up, he fainted and slipped through her hands.

I telephoned the GP practice, I said, "My 10-year-old son, Robert, has fainted." I was asked, "Is he still unconscious?" I said, "I don't know, he's upstairs with his mum, I need a doctor straight away." The doctor that arrived was the same doctor that had seen Robbie on 6 April.

By the time she arrived, Robert had gained consciousness. He couldn't see his mum, he said, "Mummy, I can't see you. Oh, I can see you now." He had dilated pupils and his lips were mauve. And sadly, at that time, I didn't recognise the seriousness of those symptoms.

The GP examined Robbie and said that she couldn't find anything wrong with him, other than a throat infection that had gone to his chest. She refused to admit Robbie to hospital but prescribed medication, even though I told her that the doctor the day before, her senior partner, had said that Robert should be admitted to hospital if he deteriorates or he vomits continually.

Well, I then phoned the hospital in Morriston, where Robert had been earlier. I asked them specifically... I told them exactly what had happened in the December, which I don't imagine they would have recalled him, but I told them everything that happened. And how worried we were at that time and how seriously ill he was. And that the doctors had seen him all week, or over the last two weeks, and they hadn't sent him to hospital, and that he fainted that day.

And she said, "Believe in the GP. If you bring the child to the hospital, you can't come to Ward 7, where he was, and you have to go to Accident and Emergency. So, the best way to see the child again would be to call the GP." So, we did that.

After discussing Robbie's case with the hospital I telephoned the health centre again and requested the doctor attend for Robbie. The same GP that had come in earlier that day, she arrived. She refused to admit Robbie to hospital and I had a heated argument with her. I said, "Look at the state of my wife, we're really worried about Robbie, we want him admitted." And we also said we had phoned the hospital and after an argument the doctor agreed to admit Robbie.

After the doctor agreed to refer Robbie to hospital, I went upstairs, to wrap him ready for what I believed was an ambulance. When I came downstairs my sister was present with my wife. The doctor was writing out a referral letter

I asked her, “Have you ordered an ambulance?” and with that she slid the referral letter across to me on my breakfast bar, and said, “No, take him by car.” She then stormed out of the house. I then went upstairs and carried Robbie down into the back of my car and both my wife and I took him to hospital.

As we were driving to Morriston Hospital, which is a half-hour run, because it’s 12 miles from my home, Robert was going to sleep, we thought. But he was actually lapsing in and out of consciousness. And when we got to the hospital, I carried him in. And as soon as the nurses and the doctors have seen him, there was emergency treatment.

I looked at Robbie, my wife nearly fainted and was taken out of the room, because of the panic of the nurses and the doctors. I stayed in the room. The next minute, I looked at Robbie. His mouth was wide open, his eyes had fixed in the back of his head, he was not breathing. I shouted, “Robbie, Robbie!”. There was no response. And I was told to leave the room.

They tried to resuscitate him but he never regained consciousness, and he died shortly after.

Rob Behrens: Thank you for that. What it must take you to repeat that story is unimaginable, and we are very privileged to hear this account, and it’s appalling. So, thank you very much indeed for that. And you must have told it thousands of times, in a way that hasn’t yet made any difference. So, that’s important.

Will Powell: I will say one thing though, Mr Behrens. The difference through what happened to Robbie and our fight for justice was changed when DCI Poole came, from West Midlands Police.

As I mentioned earlier, we didn’t know that Robert had been suspected of Addison’s, or that the ACTH test was needed. But Robert’s death was then reported to the coroner. Initially, I gave authorisation for a post mortem, a hospital post mortem.

But it was pretty obvious from the medical records that Robbie had died of Addison's Disease. Because his abnormal electrolytes, that were taken in December of '89, when Addison's was suspected, were almost identical to the ones on the night of death. So, they must have known that Addison's was suspected, although they deny this.

Rob Behrens: Yes.

Will Powell: But what happened was, it went to the coroner, I told the coroner the history, the coroner's officer. I told him what I just told you, maybe not as concisely, because at that time, we were devastated with grief. But I did tell him how many times the doctors had seen the child and how he died that night.

I said I wanted an inquest and I said, if I didn't get one, I may request a second post mortem. Because on Robbie's death bed, I promised him that I would find out what went wrong. Because I knew that night that Robbie should never have died. Irrespective of what he died of, it should never have happened at that particular time.

The coroner then ordered a post mortem. The pathologist omitted from the post mortem report that Addison's Disease was suspected. It was also omitted that the ACTH test had been ordered or done. The pathologist referred to Robbie as having been 'normally nourished,' and yet the child died of critical dehydration that had caused low blood pressure and heart attack, which was fatal.

Also, one of the doctors on the night that Robbie died, who attended to him, said he had the appearance of a child from a concentration camp, and he had never seen anything like it. As did the other doctors. So, for the pathologist to say he was normally nourished clearly was untrue.

The pathologist omitted the history of the lead-up to Robbie's death from the post-mortem report, and omitted the suspicion of Addison's Disease and that the paediatrician had also requested the ACTH test, which hadn't been done. Had it been done, Robert would have been

diagnosed and received appropriate treatment, that would have saved his life.

On the day I was told that Robbie had died of Addison's Disease by the coroner's officer, the GP that had seen Robbie the day before and was the senior partner of the practice phoned up and wanted to speak to us.

When he came to the house, both my sisters were in the front room, with me. I pre-warned them that, whatever you do, please do not interfere with my discussion with this doctor. Because it must be difficult for him, seeing Robbie the day before and coming up to see us, now that he has passed away.

So, when he came into my front room, my two sisters and I were there, one of the questions I asked him at the beginning was, "Did Robert have to die?" and he said, "No." At that, my sisters became upset, naturally, and I had to ask them to leave the room.

So, they had to go and I was with the doctor. He started telling me about what Addison's Disease is. And to be honest, at that particular time, I wasn't interested in what it is, just whether or not he needed to die. And that had been confirmed that he did not.

When the GP came to the house he had Robert's medical records. I asked to see them. A fairly thin file, hardly any documents in there. I turned over a page, and what does it say? A typed letter, 'information, needs ACTH test, parents informed'.

I said, "What the hell is this test? I know nothing about it." "Oh, it's a hospital test, it's a hospital test." I read on and I read that Addison's Disease had been suspected and that Robert had had a hormonal imbalance.

With that, I now knew that they had been put on notice of Addison's, that they had been told about the need for the test and it hadn't been done. And they had also stated, in the letters, or the discharge documents, that Robert should be immediately referred back to the hospital, if he became unwell. And they clearly hadn't done it.

After I read the GP records the doctor then left. I phoned my friend, Sid, to tell him about the Addison's letter, and the test and the suspicion of Addison's Disease. I asked him if he would witness the medical records with me. He said, "I'm your best friend, Will. If these people are going to alter it and cover up, they will attempt to discredit me simply because I am your best friend."

And I had watched the case about a little boy called Alfie Wynne, who had died before Robbie, and there had been allegations of neglect. And when the doctor had examined the child, he had asked the child, who had meningitis, to open his mouth.

The child couldn't do it. And the doctor allegedly said, "If you can't open your mouth, I can't be bothered to examine you." And I had seen the story about that case and the mother's concerns. And I think she assaulted the doctor. But in any event, we thought there was a possibility of cover-up.

So, Sid advised me to get someone, a professional, if I knew, to witness these records. So, I had seen him on 20 April, which was a Friday. Three doors down from me lived a reverend, the Reverend Thomas, now deceased, sadly. And he was actually born in the house that he lived in, so he had known my family, he had known my grandparents, who lived in the house I live in now. And he knew my family, my father and his siblings.

And he came to the house to tell me that Robbie used to call and see him and brush his dogs, and he was so sorry about Robbie's death. So, I asked him. And he was also an academic, he was a lecturer, as I understand it, at Oxford University, as well as being a Reverend. So, I asked him if he would witness the records.

So, on 23 April, which was the Monday following the Friday that I'd seen the medical records - this being six days after Robbie's death - I asked the Reverend Thomas to come into my home at 1:45pm. I invited the GP who had brought the records the previous Friday to come at 2:00pm.

And he comes in with the medical records, and I ask him, "Did Robert have to die?" He said, "No." And I said, "I've got to be

careful what I say because the Reverend Thomas is taking notes,” and that’s what I’d asked him to do, was to take notes of the conversation. And I wanted him to record what he read in the medical records.

When the GP arrived I actually asked him for Robert’s medical records. I gave them to Reverend Thomas and he took a note that confirmed the Addison’s letter existed. I made my complaint then on 30 April, which was 13 days after Robbie died. And I waited six months to receive copies of the medical records.

And when I received them, the Addison’s letter has gone. And it has never been investigated. And the CPS (Crown Prosecution Service) have recently claimed that it never existed. There is no evidence to prove its existence.

Yet, I have two QCs (Queen’s Counsel, a barrister or solicitor) - one, a judge now - I’ve got an experienced DCI, who was involved in the Lawrence case, I’ve got a journalist of 40, 50 years. All saying, with the evidence I presented to them, that the Addison’s letter did exist or, in any event, there is strong evidence that it existed.

Nick Bennett: At that point, Mr Powell, obviously you have alluded to the CPS. Following these terrible events, you have had to be involved in a number of organisations. The NHS, the Police, the Crown Prosecution Service, the Welsh Office, the Parliamentary and Health Service Ombudsman, the Independent Police Complaints Commission, the General Medical Council and other public bodies as well.

Can you describe what it has been like, having to deal with all these organisations, in order to get justice?

Will Powell: As I said, I complained 13 days after Robbie’s death. And in December of 1990, we had a Medical Services Committee, by West Glamorgan Family Health Service Authority. At that hearing, was a Chairman, who I found out later was a magistrate. There were two

general practitioners and there were two lay people on that committee, hearing my complaint.

I couldn't have been treated worse by the Chairman, had I murdered Robbie. He was so rude. He prevented me from asking questions. I'd asked one doctor one question, and when I went to ask a second, he asked if anybody else in the room wished to question the doctor.

I put my hand up politely, I said, "Sir, I haven't finished questioning this doctor." He said, "You've already asked one question." I said, "Are you telling me, Sir, that I'm only allowed to ask these doctors one question?" "Don't be frivolous with me, or you'll have to leave this room, and we'll deal with your written evidence only."

That was the tone of the meeting all the way through. The man was rude. He didn't want to listen to any of my evidence, and he believed the doctors' evidence, even though it was clearly untrue.

But the positive thing is, two of the GPs agreed that I was so badly treated and they wanted to leave the room, but had been advised by their advisor, at the Medical Protection Society, to say nothing. It was just appalling, to be honest. It broke my heart.

I came out of that with my good friend, Sid Herbert, and Sid had to grab my hand at one time, because I really felt like tipping the table. And he grabbed me tight, to say, "Will, shh." And I did, and I wasn't rude. I believe I acted with dignity. And I told Sid, after, "I'll never ever be spoken to in that manner by anyone. And I don't care who it is, I don't care if it's 1 of them or 20 of them, they will never, ever speak to me that way."

The result of that enquiry was that only Dr Flower was in breach of her terms and conditions of service, even though I presented evidence of untruths. A referral letter was typed after death, backdated. The five GPs had said the referral had been made, when in fact it wasn't typed until after Robbie died.

And all that evidence came out. The evidence of the missing Addison's Disease was given by the Reverend Thomas - it was totally ignored. Everything that I said was ignored. And Dr Flower was given

the minimal reprimand, and that was to conform with the terms and conditions of service from now on. And that was that.

I appealed to the Welsh Office. I was allowed legal representation. The hearing was listed for three days, which wasn't sufficient. It cost me £34,000 to be represented by a barrister, a solicitor and medical expert, because I really wanted to get the truth out.

The hearing was heard over three days. It was adjourned. The Welsh Office had provided and introduced Robert's original GP records as evidence, because I had had them forensically tested. And they had been sent by my forensic document examiner to the Welsh Office, by recorded delivery, six days before the hearing started.

So, the Welsh Office controlled both the original GP records and the original hospital records. But when the matter was adjourned, for six months... And I believe it was tactically adjourned, so the doctors could hear all of our evidence, and then their lawyers can work on a way to discredit me and any witnesses.

So, we went back, six months later, and we found out that the original GP records had been altered. Additional documents, that had come from the GPs were added into the notes, that had never been disclosed to me. And I had copies four times. And I had checked the copies with the originals personally. So, these additional documents were added, while the medical records should have been in the custody of the Welsh Office.

Now, the Welsh Office admitted that they had the hospital originals, but they said they did not have the GP records, that they had never received them, and that, as far as they were concerned, Will Powell had introduced them as evidence, or his legal team. Which we can prove wasn't true, because they were sent to the Welsh Office a week before, by the forensic document examiner.

So, when we found this out, we wanted to identify where the records had been. The Chairman refused to investigate. And the interesting thing is, before we entered the room of the reconvened hearing, someone had put the original hospital records, which were with us

inside the GP folder. And they had placed them on our side of the room, before we entered.

So, there is no way that we could have had them, because someone in the Welsh Office had put them there. And when the Welsh Office denied having the GP records, we then said, “Well, they came to light from our side of the room, and they must have been with the Welsh Office.”

But they then denied having them. For three years, the Welsh Office has denied that they received Robert’s GP records. We eventually proved that they had. It was in an inquiry, called the Elizabeth Elias Inquiry, or the Elias Inquiry. She didn’t deal with the medical records or where they had been. And the whole thing has been covered up ever since. And that issue has never been dealt with.

So, that was my complaints procedure. I went to the Parliamentary Ombudsman, Mr Behrens, one of your predecessors. They told me that they would look at it, but we had to complain first through my MP to the Welsh Office. Which we did. Then your predecessor said it was outside his jurisdiction, he can’t look at it. And yet, in 1997, he agreed to look at it. And in 1999, I had a finding of maladministration against the Welsh Office.

But your predecessor didn’t recommend that that inquiry should be reopened, although one of the staff had suggested that you should look at where these medical records had been. So, unfortunately, although we had a finding of maladministration, and there was an order for them to pay my costs - which they had previously denied - it was pretty disappointing, the request for the appeal hearing to be reconvened.

Rob Behrens: There are so many alarming elements that you have told us about, including the actions of my office, which I’m not disputing in any way. I met Mr Sid Herbert, in 2017, a magnificent man, who has been a strong ally of yours.

And I have heard about the Reverend Thomas, who was a good and honourable person, who seems to have been traduced because he was an independent witness, confirming the existence of the Addison's Disease letter that you are talking about. So, for him to be traduced is disgraceful.

Then you go on to describe the other things that happened. And just before we move on from that, you also have evidence of a police cover-up on the investigation of some of these matters. Could you tell us briefly about that please?

Will Powell:

I can. But I'd just like to say, also, when the Reverend Thomas gave evidence, at the Welsh Office appeal in 1992 under oath, it was implied that he was a paedophile, that he was abusing Robbie. And the reason that they came to that conclusion was...

And if you remember earlier, the Reverend Thomas came to me, to say that Robert used to call at his house and brush his dogs. We didn't know that. So, they tried to say, "You're a bachelor, your sister is a spinster, how many children come to your house without the authority of the parents?" But they could see that I was getting quite angry, because I knew what they were getting at, and they dropped it.

But they have also said, when they were interviewed under caution, one doctor said that they suspected him of this type of a crime. Which is absolutely disgusting. And that's how low they would go. So, I thought it was worth mentioning that, in light of what you have said about discredibility.

So, it was November 1993, when your predecessor refused to investigate my complaint against the Welsh Office, so I decided to go to the Police. So, we got in touch with the Director of Public Prosecution and they advised us to make a complaint to Dyfed Powys Police, which was the local police force.

My barrister, solicitor and myself did a file of evidence. 22 pages with copious statements, affidavits from the Reverend Thomas,

affidavits from Sid, affidavits from everybody that was involved in anything of relevance, in relation to the falsification of the records.

And what we didn't know at that time was Dyfed Powys Police actually retained the GPs under investigation as police surgeons. So, the evidence was submitted, it was shared with the CPS. After two years, there was a decision that there was insufficient evidence to prosecute.

The Police refused to get Robert's computer records, which would have confirmed the authenticity of the substituted documents, or otherwise. I know it would have proven the Addison's letter existed. The Police refused to get that evidence.

But when I tried to get it, the health authority, which was West Glamorgan at the time, actually deleted all Robert's computer records, intentionally, only to keep the demographic details. So, after the two years, the case was thrown out. I had a meeting with the CPS in the November of 1996, and gave them more evidence again, which they ignored.

And then, in 1998, I made a formal complaint against the Deputy Chief Constable, because he was ignoring my concerns. And he then sent the Head of CID, who had been involved in the case previously, and had actually given the doctors, on 13 May 1996, an immunity letter, telling them that they would never be prosecuted.

So, in response to my complaint, I then had a second criminal investigation, between 1999 and 2000. It was obvious they were paying me lip service. I then made a complaint against the Chief Constable. In April, May 2000, I get a meeting with the then Deputy Chief Constable of Dyfed Powys Police. And he calls in the late DCI Poole.

As a consequence of DCI Poole's involvement, there was a third criminal investigation, that suggested 35 criminal charges - gross negligence, manslaughter, forgery, attempting to pervert the course of justice and conspiracy to pervert the course of justice.

The CPS agreed, in 2003, there was sufficient evidence to prosecute Dr Williams and Mrs Sims, the secretary, with regard to the referral letter that was typed post-death and backdated. And also Dr Flower, because she admitted writing her consultation notes several weeks after Robbie's death, when the original GP records should have been sent back to Powys Family Practitioners Committee.

So, they have a contract, that's under the terms and condition of contract, that, when a patient dies, they have to send the medical records back within a month. These doctors kept them for over six months, and altered them in the interim.

Following Bob Poole's criminal investigation which took two years between 2000 and 2002, he set out 35 potential criminal charges, some of which were alternative charges. The evidence was presented to the Crown Prosecution Service who decided there was sufficient evidence to charge two doctors and a secretary for forgery and perverting the court of justice. However, the reason they were not prosecuted was because of the passage of time, and also the police had given the doctors a letter saying that they would never be prosecuted.

Now, the passage of time had been caused by four years, in relation to the complaints procedures, which was the Medical Services Committee hearing, the Welsh Office, and my request for the investigation into the maladministration by the Parliamentary Ombudsman. So, that took us four years.

I then made a complaint, in March 1994, and the Police ignored it for six years, and the CPS ignored the evidence. Then, when Bob Poole finally gets the evidence, that always was there... And this is what is worrying the government, I think, with Robbie's case. I can prove the evidence was there, I gave it to these people, they choose to ignore it. But that passage of time, I cannot be blamed for that passage of time.

Rob Behrens: To those people who don't quite understand the detail of this, DCI Poole was not part of the Welsh Police Service, was he? He was an external... and I think you need to just explain that a little bit please.

Will Powell: Thank you.

Rob Behrens: I think it's just the point that it's not just the Welsh Police here, it's a review into the investigation by a police officer from another force as well.

Will Powell: Yes. That's what I was going to come to, that's the second investigation. The first one was a criminal investigation into the GPs. Following a complaint that I made against the Chief Constable, I eventually had a meeting with Dyfed Powys Police, with the then Chief Constable, in April, May 2000. And he agreed to have the case reviewed by an English police officer, from West Midlands Police. And that was DCI Poole, now deceased.

And what a man, he was. I couldn't thank him enough for what he did for my family. He lifted such a weight off of my shoulders. Because everyone was denying what these doctors had done. And here he comes along and tells me he's appalled by the way that we have been treated and the fact that this evidence has been ignored for so long.

Rob Behrens: Thank you for that. And sadly, he died. But he didn't die before he passed on the critical information that bolsters the case for the inquiry. So, that's important too.

Will Powell: Yes, that's true.

Rob Behrens: Okay, thank you. I want to move on just a little bit. Nick, I'd like you to ask about the duty of candour in all this. Because this is a critical issue, which we want to hear Mr Powell's view about please.

Nick Bennett: Sure. Well, I know that Mr Powell's campaign to get answers and justice were a catalyst for the introduction of the duty of candour. Do you feel, Mr Powell, that that duty goes far enough? And what, in your opinion, needs to change, in order to make the NHS more open and transparent, to improve patient safety?

Will Powell: Well, firstly I'd like to explain to you how the absence of a legal duty of candour came about. We had sued both Morriston Hospital for negligence, and the five GPs. In June 1996, the trial was set for six weeks. And I was hoping that, after the Police had just refused and said there was insufficient evidence to prosecute, that this trial would have changed things for me.

A month before the trial, West Glamorgan Health Authority admitted liability, paid £80,000 into court. They had already tried to settle out of court, which we refused.

The GPs then made an application to the court, saying that they didn't owe the Powell Family a duty of care in relation to the psychological damage they had caused us, after Robbie had died. And that was in relation to the cover-up.

And I think there is a lot of publicity about this now, how patients and bereaved families and parents are damaged by the cover-up. On top of the loss of your child, you're then facing a cover-up.

And it's very, very difficult times. Because I was suicidal, my wife was suicidal. And it's difficult to put into words how it affects not only me and my wife, but every parent and every bereaved family, when doctors tell untruths.

So, in any event, because the hospital admitted liability, it put us in a difficult position. But the GPs then made an application to the court, to strike out the case against them. And it went to the court.

And when you have a strike-out, or an application to strike out, the judge has to presume that the pleaded case will be proven.

And our case was that the doctors were negligent and they had caused Robbie's death. That they had lied and falsified records post-death. And that, in turn, had caused my wife and I psychological damage. Well, the court ruled that the doctors did not have a legal duty of candour. Because once Robbie died, there was no duty to Diane and I to tell us the truth.

So, we asked for a right to appeal, which was granted by the High Court Judge. The £80,000 compensation was kept with the court. Because we were then forced to accept the compensation, but it was kept with the court. A year later, we have an appeal. And the appeal was unsuccessful, and the £80,000, that we were paid in compensation, was taken in costs.

And what's important here is they attempted to settle out of court, and the case was estimated at £300,000. That was for our damage psychologically, and my loss of earnings. And in the end, I lost 25 years of work, and we have received nothing. No compensation whatsoever, for that loss.

So, in any event, we asked the Court of Appeal. They made it perfectly clear that there is no freestanding duty of candour for doctors.

So, we asked to appeal, to the House of Lords. The Court of Appeal refused. We then petitioned the House of Lords. They threw the case out. We took it to Europe. And in 2000 we have a clear interpretation of the law.

And it goes like: as the law stands now, however, doctors do not have to tell parents the truth about the negligent death of their child, or refrain from falsifying records. And therefore, the absence of the duty of candour was proven in the UK courts and the Court of Appeal.

And had we not done that, it wouldn't have been on the table for discussion, because nobody knew there was no legal duty of candour.

So, that's what I and my wife resent, is that we have never really been given the credit for the sacrifice we made, to get this issue on the table. And that's why I feel sad, that the Welsh Health Committee has never invited me to speak.

Because I don't think people understand how Robbie's case failed. And it's fairly simple. They're saying it didn't matter what those doctors did after Robbie died, it doesn't matter what damage they caused us, the Powells are not entitled to compensation for that damage. And there is something wrong with the law.

And it doesn't go far enough. Because what we had, as you will know, in 2014, was a legal duty of candour for NHS organisations. Well, although that goes some way to addressing the issues of dishonesty, we need an individual legal duty of candour. We need people to take doctors to court individually, if they lie, falsify records and psychologically damage patients.

Because even today, that can't happen. But what I will say is, and it's very important, there was a case recently, where parents who lost their baby had been awarded £2.8m compensation. And that is in relation to post-death damage as well. And that is because the organisation didn't tell the truth.

So, at least some good has come from that, and that family at least has had compensation, that we were refused.

Rob Behrens: Okay. Thank you for that. We are coming towards the end of our transmission. But there are some key issues that I want to ask you about.

No-one listening to this can be other than appalled by what has happened. And your steadfastness in keeping this going is just remarkable. So, I want to ask you, what keeps you going? Because you have spent 30 years and more, seeking justice on this. Nick and I are latecomers, so we are strongly in support of you. But what has kept you going all this time?

Will Powell: The promise I made to Robbie on his deathbed, that I would find out what went wrong.

Rob Behrens: Yes.

Will Powell: And what's sad is it has destroyed my family. I have also lost a middle son, and that is collateral damage. That is collateral damage. He became an alcoholic. His family life, which was happy, and his older brother's family life, we were all happy. And it destroyed that.

Rob Behrens: Yes, and it's also...

Will Powell: And went on to be an alcoholic, and it breaks our heart that this has happened. And not only to us, it's other families, it's happening to everybody. But doctors don't tell the truth. And there is no system at the moment to investigate this. And I feel sad that-

I appreciate what you're doing for me, you're calling for a public inquiry. But I also know that there are so many people who are still dissatisfied with the Ombudsman's Office. I can't judge that, because I don't know what evidence is presented.

But what's difficult for me is that, in 2004, I had a letter from your predecessor, Ann Abraham, apologising for the appalling way that I was treated, for the derogatory comments that were made about me, and I was promised that things were going to change. And how many years ago is that, 2004? Is that 18 years ago?

And I know you're doing your best, and I appreciate that. But people criticise me because I am accepting your offer to help me. People are saying, "But they haven't helped me, they've done this, they've done that, they haven't investigated." We need a proper system, to fully investigate complaints.

For argument's sake, there is a conflict of evidence, that's what happens. The complainant makes the complaint. I think there should be two chronologies. I think there should be the chronology of the family or the bereaved parent, and there should be a chronology from the doctors or the health board. And then we should look to see what's in conflict.

And in Robbie's case, a perfect example was that I told the doctor, and my wife did, that Robbie was vomiting. He prescribed Dioralyte for the vomiting. He later denied that Robert had vomited, and he omitted the fact that he gave and prescribed Dioralyte, the very medication for that condition. And yet we were never believed.

So, I think you have to do two statements, and I think you have to address the conflicts of interest, in a better way than you're doing it now.

Rob Behrens: Well, I hear what you say, and I'm not going to apologise for supporting your call for a public inquiry, which I think is evidence-based. And this is one of the big scandals of the century.

I mean, what is disappointing is that, for neither Nick nor me, have we had a positive response from people in a position who make the decision to hold an inquiry. And following on from that, I have also raised, with the Cabinet Office, the weakness of the current arrangement for setting up inquiries. Which are very difficult to understand and are capable of very variable interpretation, as we have seen from ministerial decisions.

And I don't think that inspires public confidence. And I know that you were party to a group advising HSIB (Healthcare Safety Information Branch) which came to pretty much the same conclusion, some years ago, about the need to create special arrangements, for situations like the one that you described. So, we have to keep fighting for that.

But as we end - and we're not giving up on this - what advice would you give to people in a similar situation to the one that you experienced in 1990?

Will Powell:

To be honest there, Mr Behrens, I don't think anybody has been treated a lot worse than we have over the years, in light of the evidence that we have. All we can tell people to do is you have to complain, and you have to make your complaint clear. You have to be 100% honest.

Which is one of the reasons I think- I say I beat them, I haven't really beat them because I've had no justice. But because I haven't exaggerated and I haven't tried to make things worse than they actually were, then they find it difficult to discredit me. Because my evidence has been the same from day one.

And I would just say, whoever makes a complaint ensures that they try and get the facts. And remember, it isn't easy when you've lost a child or a loved-one, to sit down and relive all these things that have happened.

And I think that we should give a statement of truth and I think that should be signed. And that should be a legal document. That if you have intentionally told untruths about a doctor, then there should be consequences.

And then, on the other hand, when the doctor responds, they should provide a statement of truth. And if they have told untruths, then they should have consequences for their dishonesty. And at the moment, that doesn't happen, there is no deterrent to actually deal with dishonest doctors.

Because the GMC (General Medical Council), as you will know, threw Robbie's case out, engaging the five-year rule.

Rob Behrens:

Yes. Nick, have you got anything that you want to ask Mr Powell, as a final question?

Nick Bennett: I just want to thank Mr Powell really. I think, even after 30 years, this is so tragic and upsetting, to hear what happened to Robbie. So, I'm very grateful to you for sharing that with us today. And I hope that, through this podcast, we can reach a lot more people and sustain the momentum for making sure you get the public inquiry that you feel that Robbie deserves.

Will Powell: Thank you very much, both. I appreciate that very much.

Rob Behrens: Thank you, Mr Powell. It has been an illuminating conversation and we are very grateful to you for the clarity and the passion, the controlled passion, which you have displayed today. And we wish you and your wife continued good health, to keep the campaign going. We are supporting you absolutely on this, and we hope to get better news in the coming months.

This is Rob Behrens, wishing everyone a good day and signing off from Radio Ombudsman.