

General Medical Council

Regulating doctors
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**Fitness to Practise Panel
Dr Alan Roy Williams
3 June 2005**

"That, being registered under the Medical Act,

- '1. At all material times you were,
 - a. Employed as a Consultant Histopathologist at Macclesfield General Hospital,
Admitted and found proved
 - b. A forensic pathologist accredited by the Home Office Policy Advisory Board for Forensic Pathology;
Admitted and found proved

Christopher Clark

- '2.
 - a. On or about 16 December 1996 you performed a post mortem examination of Christopher Clark, aged 12 weeks, at the request of HM Coroner for Cheshire.
Admitted and found proved
(Although a Coroner's post mortem, the possibility of unnatural death was recognised and whether it continued as a Home Office or Coroner's post mortem depended upon your findings and discussion)
 - b. You reported that on external examination you had found frothy muco pus coming from the nose,
Admitted and found proved
 - c. On internal examination you noted appearances which you subsequently reported as,
 - i. small amounts of muco pus in the trachea and bronchi,
Admitted and found proved
 - ii. acute serosal inflammation in the lower lobes of the right lung,
Admitted and found proved

iii. slight grey linear deposits on the surface of both the right and lower lobes (sic),

Admitted and found proved

iv. the lungs were slightly oedematous on compression,

Admitted and found proved

d. On sectioning, you found no macroscopic evidence of pus or consolidation,

Admitted and found proved

e. You took cultures and histology from various sites, including the lung and spleen;

Admitted and found proved

3. a. You prepared a post mortem examination report,

Admitted and found proved

b. Your report stated that you had found,

i. a bruise over the posterior aspect of the right elbow half a centimetre,

Admitted and found proved

ii. a reddened area at the base of the right thumb half a centimetre and an erythematous reddened area over the interphalangeal joint of the right thumb half by half a centimetre,

Admitted and found proved

iii. a bruise on the anterior aspect of the left thigh, one by half, a further bruise below two by one, a bruise on the back of the right thigh half by half and below a further bruise half by half cm; a bruise on the left knee quarter by quarter cm and below this a further bruise a quarter by quarter cm, and on the back of the left calf a bruise half by half a centimetre,

Admitted and found proved

iv. a small split and slight bruising into the frenulum between the upper lip and jaw,

Admitted and found proved

c. You did not make a contemporaneous diagrammatic record of your findings in relation to the upper frenulum at the time of your post mortem examination,

Admitted and found proved

d. You reported as follows,

"In summary, this is a well nourished male infant 12 weeks of age showing evidence of respiratory tract infection with inflammation of the right lower lobe of lung predominantly. Cultures and Histology have been taken.

In my opinion the cause of death is 1a) Lower respiratory tract infection.”,

Admitted and found proved

- e. You reported that post mortem histology showed,
 - i. focal acute inflammation of the lung,
Admitted and found proved
 - ii. focal haemorrhages and inflammation of the spleen,
Admitted and found proved

- f. Post mortem histology did not show,
 - i. any or any significant focal acute inflammation of the lung,
Found proved
(Please see determination for further clarification)
 - ii. any or any significant inflammation of the spleen,
Found proved
(The Panel accepted the uncontradicted expert evidence that you had misinterpreted extra medullary haemopoiesis as inflammation)

- g. You also made a statement in which you stated inter alia,

“I produce the report of my findings which are true in every detail and the signature at the foot is in my own handwriting.”,

Admitted and found proved

- h. You failed to exercise reasonable care and skill in interpreting and/or reporting upon the slides of the lungs and/or the spleen,
Found proved
(The nature and extent of your errors left the Panel in no doubt that you had failed to exercise reasonable care and skill)

- i. In your report you,
 - i. failed to discuss the possible significance of your reported findings as set out at head 3.b. above,
Found proved
 - ii. failed adequately to discuss the possible causes of death,
Found proved
 - iii. gave the cause of death as “1a) Lower respiratory tract infection” when this did not have a proper scientific basis,
Found proved

iv. should have given the cause of death as
"Unascertained";

Found proved

*(The Panel is satisfied that you had a duty to discuss
your findings in respect of the unexplained injuries)*

'4. In respect of heads 3.c., 3.e., 3.f., 3.g., 3.h. and 3.i.,

a. You failed to discharge the duties of a competent
pathologist in such circumstances,

Found proved

*(The Panel regarded all but 3c to be self-evident. 3c put
emphasis on the important finding of an unexplained torn
frenulum. Furthermore, the Home Office PABFP guidelines
emphasise the importance of diagrams which are a secure
medium for recording facts unlike photographs which, as in
this case, can fail)*

b. Your post mortem consideration and treatment of
Christopher Clark was such that it impaired the reliable
evaluation of the evidence of the cause of Christopher's death;

Found proved

*(The death was not treated as suspicious and this
precluded further investigation)*

'5. a. On or about 27 January 1998 you were instructed by the
Cheshire Police to carry out a post mortem examination of
Harry Clark, aged 8 weeks, the brother of Christopher Clark,
Admitted and found proved

b. You carried out the post mortem examination on
27 January 1998 at Macclesfield Hospital Mortuary;
Admitted and found proved

'6. a. On or about 16 July 1998, Mrs Sally Clark was charged
with the murders of Christopher and Harry Clark,
Admitted and found proved

b. You were instructed ~~retained~~ as an expert witness for by
the Crown in relation to such prosecution,
Admitted and found proved as amended

c. You were under a duty to use your best endeavours,

i. to provide fair, comprehensive, accurate and
objective expert evidence in advance of the trial,

Found proved

*(The Home Office PABFP Guidelines are mandatory.
If anything material is omitted other important lines
of enquiry might be inhibited)*

ii. to give fair, accurate and objective evidence if called as a witness at committal proceedings,

Admitted and found proved

iii. to give fair, accurate and objective evidence if called as a witness at trial;

Admitted and found proved

7. a. On or about 6 August 1998 you made a statement under section 9 of the Criminal Justice Act 1967 in which you said that following the death of Harry Clark, you had reviewed the sections of Christopher and your post mortem findings and concluded,

"In the light of these findings, I am no longer of the opinion that Christopher died of natural causes and there is evidence suggestive that he died from an asphyxial mechanism such as smothering.",

Admitted and found proved as amended

- b. On or about 25 May 1999 you gave evidence for the Crown at the committal proceedings, and you,

i. rightly contradicted your earlier opinion and said that, on review and given your other findings, you did not think that the small amount of inflammation present in the lung was sufficient to explain Christopher's death [TS p80 l.21 to p81 l.6],

Found proved

(The panel is satisfied that you were right to contradict your earlier opinion because it was not scientifically valid)

ii. accepted that your statement recited at head 7.a. above was not an opinion as to fact but the assertion of a possibility [cross-examination when recalled, TS p21 ll. 10-14],

Admitted and found proved

- c. At a meeting of experts on or about 9 September 1999, you rightly accepted that there were no significant features of respiratory infection,

Found proved

(You agreed the report of the meeting was accurate in the course of your evidence to the panel)

- d. On or about 11 October 1999, Mrs Sally Clark appeared at Chester Crown Court charged with the murder of Christopher and Harry Clark and you were called as an expert witness ~~for~~ by the Crown at her trial,

Admitted and found proved as amended

e. On or about 14 October 1999, during evidence in chief, you said,

"My conclusion from the evidence I have before me is that this child has died from smothering" [TS p19 E-F],
Admitted and found proved

f. In cross-examination,

i. you said that you did not stand by your interpretation of the slides that Christopher was suffering an infection or inflammation [TS p52 A-B],
Admitted and found proved

ii. you said that you had been incorrect giving the original cause of death as lower respiratory tract infection [TS p 52 C],
Found proved

iii. you said that there was no significant inflammation [TS p52 C-D],
Found proved

iv. you said that you were sure that the lung slides showed some focal acute inflammation but that it was very minor [TS p53 A-B],
Admitted and found proved

v. you accepted that there was a possibility that Christopher was smothered, which you described as "a possibility in a broad range" [TS p59 A-B];
Admitted and found proved

'8. In your report, your written statement and your oral evidence relating to Christopher Clark,

a. You were incompetently self-contradictory,
Found proved.

(Your original opinion was wrong; it was therefore incompetent of you to provide an opinion, which you would later be obliged to contradict)

b. You failed to use your best endeavours to express fair, accurate and objective expert opinions;

Found proved

(The Panel accepts there was no bad faith on your part, but the nature and extent of your erroneous opinions amounted to a failure to use your best endeavours)

Harry Clark

'9. a In the course of your post mortem examination of Harry Clark, you removed his eyes,

Admitted and found proved

- b. i. you reported that on opening the orbits of Harry's eyes at post mortem, there was an area of haemorrhage about 7mm across on the supero-lateral surface of the right eye, and a small area of haemorrhages about 2mm across on the lateral aspect of the left eye,
Admitted and found proved
- ii. one or both of these appearances resulted from ~~incompetent~~ dissective contamination,
Found not proved, as amended
(In the light of the expert evidence, the Panel is not satisfied that this allegation had been proved)
- c. i. you took ~~or caused to be taken~~ a sample of vitreous humour from one or both of Harry's eyes before laboratory dissection and/or block selection,
Admitted and found proved, as amended
- ii. you thereby risked the compromise of the quality of the resultant microscope slides and/or any subsequent specimens from the eyes,
Found proved
(All the experts agreed that there was a risk, although they differed as to the extent)
- d. i. Harry's eyes should have been submitted to an expert in ophthalmic pathology for laboratory dissection and block selection,
Found not proved
(The Panel is not satisfied that, in 1998, it was unreasonable for you to have prepared the eyes)
- ii. the laboratory dissection and/or subsequent block selection should not have been delegated to a technician,
Admitted and found proved
- iii. having removed the eyes, you conducted the laboratory dissection and subsequent block selection of the eyes
Admitted and found proved as amended
- iv. you thereby risked the compromise of the quality of the resultant microscope slides and/or any subsequent specimens from the eyes,
Found proved.
(However, the Panel considers that, in 1998, this was a matter for your reasonable professional judgment)
- e. i. the eye histology should have been submitted to an expert in ophthalmic pathology for microscopic examination,
Found proved.
(The Panel found that the eyes were submitted to an appropriate expert. There is no criticism of you in this respect)

ii. you microscopically examined the eye histology and concluded that both eyes showed extravasation of blood into the retinas,

Admitted and found proved

iii. this conclusion was incorrect,

Admitted and found proved

f. You were not competent to conduct laboratory dissection and/or block selection and/or microscopic examination of Harry's eyes to the level of expertise appropriate and necessary for a forensic case of this nature,

Found not proved

g. You were, in the circumstances alleged at heads 9.b., 9.c., 9.d. and 9.e. above, ~~incompetent~~ inadequate in your post mortem consideration and treatment of Harry's eyes.

**Found proved in relation to 9eii and 9eiii, as amended
(You did not manifest the required level of skill on this occasion)**

10. a. On external examination you noted no injury or bruising to the back,

Admitted and found proved

b. On opening the spinal column you noted no evidence of bruising in the muscles of the back,

Admitted and found proved

c. On opening the spinal canal, you found appearances which you described in your report as follows,

"haemorrhage is found with some haemosiderin discolouration extending from the lower cervical spine down to the upper lumbar spine. The spinal cord is tight within the canal. There is some evidence of swelling of the cord within the dura. The dura and spinal cord were removed in entirety for subsequent fixation....",

Admitted and found proved

d. You conducted the laboratory dissection and block selection of the spinal cord ~~or caused or permitted a technician to conduct one or both of these tasks~~

Admitted and found proved as amended

e. The spinal cord should have been submitted to an expert in neuro-pathology for microscopic examination,

Found proved.

(The Panel found that, in due course, it was submitted to an appropriate expert)

f. Upon microscopically examining the histology you concluded,

i. that there was some subdural haemorrhage of the spinal cord,

Admitted and found proved

ii. that the spinal cord appeared oedematous,

Admitted and found proved

iii. that there was acute inflammation and bruising in the paraspinal muscles,

Admitted and found proved

g. Your conclusions at heads 10.f.i., ~~10.f.ii.~~ and 10.f.iii. above were incorrect,

Insufficient evidence adduced to find proved in relation to 10.f.ii

Found proved in relation to 10fi and 10fiii

(The Panel is satisfied from the expert evidence that there were no more than occasional red cells and that this finding did not support the conclusions at 10fi and 10fiii)

h. You were not competent to conduct microscopic examination of Harry's spinal cord and/or paraspinal muscles to the level of expertise appropriate and necessary for a forensic case of this nature,

Found proved

(Your erroneous findings in these two key areas satisfied the Panel that you were not merely inadequate but incompetent)

i. you were, in the circumstances alleged at heads 10.a. to 10.g. inclusive above, incompetent in your post mortem consideration and treatment of Harry's spinal cord and/or paraspinal muscles;
Insufficient evidence adduced to find proved in relation to 10.f.ii

Found proved in respect of the remainder

(Please see clarification in relation to 10h above)

'11. a. On opening the ~~brain~~ skull you found appearances which you later described in your report as follows,

"There is slight haemosiderin discolouration of the anterior parts and inferior parts of the right temporal lobe."

Admitted and found proved as amended

b. i. the brain should have been submitted to an expert in neuro-pathology for laboratory dissection and/or block selection,

Found proved.

(The Panel accepted the evidence of the experts, who agreed that its preparation had caused difficulties in interpretation)

ii. the laboratory dissection and/or subsequent block selection should not have been delegated to a technician,

Admitted and found proved

iii you fixed the brain and subsequently conducted the laboratory dissection and block selection on or about 6 February 1998 ~~or caused or permitted a technician to conduct one or more of these tasks~~

Admitted and found proved as amended

iv. you thereby risked the compromise of the quality of the resultant microscope slides,

Found proved

(Please see clarification in relation to 11bi)

c. i. the brain histology should have been submitted to an expert in neuro-pathology for microscopic examination,

Found proved.

(The Panel found that it was eventually submitted to an appropriate expert. Please also see clarification in relation to 11bi)

ii. you examined the brain histology and reported that there were occasional contusional tears containing red blood cells (i.e. not artefactual),

Admitted and found proved

iii. this conclusion was incorrect,

Found proved

(The Panel accepted the evidence of the main body of experts, notwithstanding the dissenting opinion of Dr Armour)

d. You were not competent to conduct dissection and/or block selection and/or microscopic examination of Harry's brain to the level of expertise appropriate and necessary for a forensic case of this nature,

Found proved.

(The nature of the case was an infant with a high index of suspicion of unnatural death)

e. You were, in the circumstances alleged at heads 11.a., 11.b. and 11.c. above, incompetent in your post mortem consideration and treatment of Harry's brain;

Found proved

(Taking the findings of 11a, b and c together the Panel is satisfied that you fell below the standard of a competent pathologist)

12. a. In your reports, you stated that the second right rib in the lateral aspect showed a small area of callus formation, that the costal cartilage of the right first rib was dislocated from the end of the bony section of the rib, and that there was "possible old fracture of the right second rib",

Admitted and found proved

- b. At the time of your post mortem examination,
- i(a) you did not make a diagrammatic or other record of your observations in relation to Harry's ribs,
Found proved as amended
 - i(b) you did not make any other record of your observations in relation to Harry's ribs,
Found not proved as amended
 - ii. you did not cause any photographic record to be made of the macroscopic appearance of your observations in relation to Harry's ribs,
Admitted and found proved
 - iii you thereby failed to make any or any adequate contemporaneous record of such observations,
Found proved.
(The Panel found that there was a lack of systematic notes which would enable others to grasp the findings)
- c. You took or caused to be taken samples in respect of a rib or ribs for the purposes of histology ("the samples"),
Admitted and found proved
- d. ~~You did not take and/or were not able to produce a sample or slide in respect of the right first rib,~~
Insufficient evidence adduced to find proved
- e. You did not report on the histology of the samples taken in Versions 1, 2, 3 or 4 of your post mortem reports,
Admitted and found proved
- f. You made statements pursuant to section 9 of the Criminal Justice Act 1967,
- i. on 6 October 1999, in which you said that you had taken a photograph of the histological sections to show the healing fracture in the right second rib,
Admitted and found proved
 - ii on 18 October producing photographs which you described as being from a section showing healing fracture of a rib from Harry Clark and from a section showing a normal rib from Harry Clark,
Admitted and found proved
- g. You did not otherwise report on the histology of the samples taken in your statements made in the criminal proceedings against Mrs Clark,
Admitted and found proved

~~h. You did not undertake histological analysis of tissue in respect of the right first rib,~~

Insufficient evidence adduced to find proved

i. You were, in the circumstances alleged at heads 12.b., 12.d., 12.e., 12.g. and 12.h. above, incompetent in your post mortem consideration and treatment of Harry's ribs,
Insufficient evidence adduced to find proved in relation to 12d and 12 h

Found proved in relation to 12b, 12e and 12g

(Taking these matters together the Panel was satisfied that you fell below the standard of a competent pathologist)

j. In the respects at heads 12.d., 12.e., 12.f., 12.g. and 12.h. above, you failed to use your best endeavours to provide comprehensive expert evidence in advance of the trial;

Insufficient evidence adduced to find proved in relation to 12d and 12h

Found proved in relation to 12e, 12f and 12g

(The Panel considers that, although you were acting in good faith, your errors amounted to a failure to use your best endeavours because your reports were not compiled on the basis of comprehensive and contemporaneous notes, as required by Home Office PABFP. Moreover, you failed to discuss your histology findings in relation to Harry's ribs)

'13. In the respects set out at heads 9. and/or 10. and/or 11. and/or 12. above, your post mortem consideration and treatment of Harry Clark was such that it impaired the reliable evaluation of the evidence of the cause of Harry's death;

Found proved

'14. a. In the course of the post mortem examination you took swabs and/or samples from Harry's blood, faeces, lung tissue, bronchus, trachea, cerebro-spinal fluid, stomach tissue and stomach fluid,

Admitted and found proved

b. These swabs/samples were sent to the microbiology laboratory of Macclesfield District General Hospital for analysis,
Admitted and found proved

c. The results were reported in the terms and on or about the dates set out in Schedule 1 (i.e. between about 27 January 1998 and 18 February 1998),
Admitted and found proved

- d. You,
- i. received copies of those reports shortly thereafter and/or,
Admitted and found proved
 - ii. became aware of their contents shortly thereafter and/or,
Admitted and found proved
 - iii. had access to the results on the hospital computer system,
Admitted and found proved

e. Samples of blood, vitreous fluid and cerebro-spinal fluid were submitted for biochemical analysis, and reported upon by Dr Robins, Clinical Biochemist, on or about 3 February 1998,
Admitted and found proved

f. Dr Robins reported that the level of protein in the cerebro-spinal fluid was 3.24 grams per litre,
Admitted and found proved

- g. You,
- i. received a copy of this report shortly thereafter and/or,
Admitted and found proved
 - ii. became aware of its contents shortly thereafter and/or,
Admitted and found proved
 - iii. ~~had access to the report on the hospital computer system;~~
Amended

15. a. Between about 29 January and about 13 February 1998 you prepared a report ("Version 1") in which you stated,

"There is no evidence of acute infection or inflammation, particularly there is no evidence of pneumonia, tracheo bronchitis nor meningitis. There is no evidence that this child died as a result of natural disease."
Admitted and found proved

b. In the conclusion of this report you stated,

"The pattern of injury is that which is seen in shaking The post mortem findings were those of a child shaken on several occasions over several days."
Admitted and found proved

c. You gave a copy of this report to DI Gardiner on or about 13 February 1998;
Admitted and found proved

'16. a. During February and March 1998, parts of certain of the microbiological samples were sent to the Central Public Health Laboratory, Colindale, London for further testing of the staphylococcus aureus isolates,
Admitted and found proved

b. On or shortly after 3 March 1998, you received a letter from Dr Wills, Consultant Microbiologist, enclosing copies of the results of such testing. The letter concluded,

"in the absence of any localised inflammatory response and in the absence of any suggestion of immune deficiency, I think it is unlikely that this organism contributed to the death of the child. It is somewhat unusual to find a contaminating organism so widely spread and it may be that there was a transient or terminal bacteraemia."

Admitted and found proved

c. On or before 1 July 1998 you made a witness statement pursuant to section 9 of the Criminal Justice Act 1967 in which you repeated the contents of Version 1 with an additional comment entitled "Time of Feeding" ("Version 2"),
Admitted and found proved

d. On or about 1 October 1998 you prepared and submitted to the HM Coroner for Cheshire a report dated 1 October 1998 ("Version 3"), in which you repeated the contents of Version 2 with additional comments about a lesion on the left cheek and the performance of the second post mortem,
Admitted and found proved

e. On or about 23 October 1998, you prepared a post mortem examination report ("Version 4") repeating the contents of Version 3, but adding on page 7 that the Cause of Death was 1a Shaken Baby Syndrome;
Admitted and found proved

'17. a. Your statement, in Versions 1, 2, 3 and 4 of your report that

"There is no evidence of acute infection or inflammation, particularly there is no evidence of pneumonia, tracheo bronchitis nor meningitis. There is no evidence that this child died as a result of natural disease"

implied that you knew of no evidence of, or which might suggest, acute infection or inflammation including meningitis,
Admitted and found proved

b. The microbiology and/or biochemistry results were relevant to and/or tended to cast doubt upon the report that there was no evidence of, or evidence which might suggest, acute infection or inflammation including meningitis,
Found proved.

(Drs Anscombe, Rushton, Armour, Wills, Professors Berry, David and Morris all considered that the microbiological findings on Harry raised an element of uncertainty. Professor Eykyn disagreed. Dr Williams admitted in evidence to the Panel that there was "a slight possibility" that the staphylococcus aureus contributed to Harry's death. He also accepted that the spread of staphylococcus aureus, raised protein and polymorphs in the CSF might have been of assistance to the Defence)

c. Versions 1, 2, 3, 4 and/or each of them were not fair, comprehensive, accurate or objective in that,

i. they omitted reference to and discussion of the microbiology and/or biochemistry results, particularly of the presence of staphylococcus aureus in the cerebro-spinal fluid and elsewhere, polymorphs and elevated protein,
Found proved

ii. they wrongly implied that the microbiology and biochemistry results were neither evidence of nor contained evidence which might suggest acute infection or inflammation including meningitis,
Found proved

(The Panel is satisfied that you had a duty to disclose, to others, their potential significance, regardless of your own views of the results)

d. By your said conduct, you wrongfully failed and/or chose not to refer to the microbiology or biochemistry results in Versions 1, 2, 3 or 4 of your report;

Found proved

(Dr Anscombe and Dr Armour agreed that you should have made reference to the results in your report. The Panel is satisfied that it was important for you to do so and, therefore, wrong for you to omit them)

'18. You wrongfully failed and/or chose not to disclose the microbiology and/or biochemistry results,

a. To HM Coroner (microbiology only),

Found proved

(see clarification under head of charge 17b,cii and d)

b. On or about 22 September 1998, at the time of a second post mortem examination of Harry Clark performed by Dr Rushton and Professor Emery on the instructions of Mrs Clark,
Found proved

c. In response to a letter dated 20 April 1999 sent to you by Messrs Forshaws, solicitors acting for a child the subject of care proceedings in the High Court of Justice, Family Division,
Found proved

d. On or about 25 May 1999 to the court, at the committal proceedings against Mrs Clark,
Found proved

e. On or about 4 August 1999 when Professor Berry and Professor David visited you at Macclesfield District General Hospital in connection with the care proceedings, ~~in which you were instructed as an expert on behalf of the Local Authority,~~
Found proved as amended

f. On or about 9 September 1999 at a meeting of experts in the care proceedings,
Found proved

g. Otherwise in the care proceedings;
Found proved

(In respect to 18a – g, you failed to disclose the results but there was no intention to mislead)

'19. a. In your capacity as an expert witness for the Crown, you were under a duty to share the fact and/or arguable significance of the results of the microbiology and/or biochemistry tests with,

i. the Police and/or the Crown Prosecution Service,
Found proved

ii. the experts instructed on behalf of the Crown (except perhaps Professor Green),
Found proved

iii. the experts instructed on behalf of Mrs Sally Clark,
Found proved

(Dr Anscombe stated that the duty of disclosure rested on the pathologist retained by the Crown, regardless of the questions asked or not asked by

