Witness Name: Sam Smith-Higgins
Statement No.: 2
Exhibits:
Dated: 21/06/24

UK COVID-19 INQUIRY

WITNESS IMPACT STATEMENT OF SAM SMITH-HIGGINS

I, Sam Smith-Higgins, member of Covid-19 Bereaved Families for Justice Cymru ("CBFJ Cymru") make this statement setting out my experience in losing my father to Covid-19.

1. On 26 January 2021, I sadly lost my father Phillip Smith, who was at the age of 73. My dad couldn't have lived a fuller life, which makes it all the more shocking that in his final year, he couldn't have been treated any less like a person by his local health board. Some of the actions by the health board will forever remain unforgiveable and even to this day, I await a response for what steps will be taken so that nobody will have to suffer as my father did.

2. From delivering aid across the world to building the local youth centre himself, which is still running strong, my dad spent his time helping others and was the type of man that would do anything for anyone. He was born, an only child, in Yorkshire and moved to South Wales to work in an engineering role. It was there, where he met my mother, who at the time was divorced and had two young boys. My dad married my mother and took my brothers on as his own before I arrived shortly after.

3. Known as 'Ziggy' Smith, my dad absolutely loved speed car racing, especially American drag racing. I have fond memories as a child watching him race at Santa Pod Raceway and when I was 15, he bought me a Zephyr for us to fix-up together. His passion for race cars never faded and he had recently bought the shell of one of his original race cars, which he built up into a car and refused to give to my son or I because he was worried we would crash it. I remember our discussions towards the end of his life that he would be happy as long as he could walk to his garage and tinker with his cars.

4. Prior to moving to South Wales, my father built a successful car building business in Manchester, the cars are still admired today on social media through appreciation clubs. When he was younger, he also spent time working as a bouncer and stunt man, featuring in several films. My father later became a leak sealing engineer, working on power stations globally. This included Saudi Arabia, where he had his secret 'Prince of Wales' pub. I remember, as a teenager, dad had returned from a work trip and we needed to put radiation tags on items around the house. Furthermore, dad was not allowed to work in nuclear power plants for two years thereafter. I did not read into it much at the time, but I found out during my father's final year that **Irrelevant & Sensitive** **Irrelevant & Sensitive**. My dad was just a bloke from Pontypool, living in this mad world.

5. Our traumatic experience started in the summer of 2019, when my dad phoned me in tears that he was suspected of having prostate cancer. We were both in shock, but I remember thinking at the time that he had not been handed a death sentence as prostate cancer was not the worst and I tried to reassure him that we can get it treated and resolved. The last thing I expected was the failure of our health system and the ordeal that was to follow. In December 2019, following a blood test and scan with urology, the consultant at the local general hospital in **I&S** recorded my father's PSA level at 1.3. This was the first erroneous action from our health service as we subsequently learnt that his actual level in December 2019 had jumped to 13.5 from 1.3 six months earlier, which was high and indicative of prostate cancer. The consultant had significantly misrecorded my dad's PSA level. The carelessness continued in January 2020 when the consultant misread my dad's scan and followed this in writing in February 2020, stating that my dad did not have prostate cancer. It haunts me to comprehend the range of emotion my dad must have felt to be told he didn't have cancer, whilst unbeknownst to him, the tumour was growing and spreading.

6. Naturally, my father's symptoms continued thereafter as he continued to urinate blood. On 5 April 2020, following a GP referral, my father attended a clinic in a hospital in **I&S** where he was seen by two consultants from the previous hospital in **I&S** I have learnt that the consultants wrote on his medical notes "prostate cancer T2 contained, review in six months." He was fitted with a catheter and stayed overnight. I struggle to understand why my dad's cancer diagnosis was not communicated to him and how the previous note that he no longer had prostate cancer could be so easily disregarded without considering mentioning anything to him.

7. My dad continued to experience blood clots and retained urine. On 15 April 2020, he had a cystoscopy where his consultant again confirmed cancer diagnosis and that the "very large prostate bled on contact." Again, my dad was not told. His symptoms continued and he visited both his GP and Urology Consultant on 21 and 22 April. The consultant arranged for a District nursing team to visit him to change the catheter in the future.

8. My father had undergone a faulty knee replacement, resulting in him undergoing three knee replacements over a five-year period. In June 2020, my dad had an infection in his knee and met with an orthopaedic consultant. The consultant offered treatment to my dad which would entail a six-week stay in hospital, where he would be treated with antibiotics. My father was a resilient man and despite the risk of COVID-19 and lack of visitation permitted at the time, accepted the treatment option. In his words, "lets get this damn knee sorted once and for all". I am confident that had he known he was suffering from prostate cancer, he wouldn't have accepted the treatment to be in hospital, away from his family for six weeks. He had a holiday planned for that Summer doing a tour of Scottish Whisky distilleries which he delayed until the following year. Sadly, my dad did not get to go on this holiday.

9. Whilst receiving treatment for his knee (from 24 June 2020 to 15 August 2020) at the hospital in I&S my father endured severe prostate cancer symptoms, having lost substantial weight and continuing to suffer with blood flowing out of his catheter. A Urology Consultant was never called. During the sixth week of his stay in hospital, an Orthopaedic Consultant evaluated my dad regarding the sustained blood in his catheter and ordered scans for my dad. The consultant then entered my father's room, whilst he was alone and without family, to announce the bombshell that his prostate cancer had "spread everywhere" and that he would be "lucky to see Christmas". This was deeply upsetting and an utter shock to my father who had been under the impression that he didn't have prostate cancer. The tone and approach in which this dreadful news was delivered was wholly inappropriate and can only make me assume that my father's notes stating his cancer had been diagnosed, were either never transferred over or simply deferred because of Covid. The consultant subsequently apologised to my father, telling him that he thought he would have wanted to know. Whilst I am upset with how the consultant delivered the news to my father, I found him to be the most honest of the consultants we had to deal with.

10. Upon learning the news from my distraught dad, I drove straight to the hospital in I&S and insisted on seeing my father, despite the restrictions. The urology department was contacted and in response to my strong demand for answers, I was told that the consultant

should not have said what was said to my father. Moreover, the urology department told me that they didn't know whether my dad had cancer. Consequently, there was an effort from the urology department to place my dad's mind at ease, as they told him prostate cancer was very treatable. I can only imagine the whirlwind of emotion my father had to suffer at that time. Both their words and actions were futile.

11. I can only describe the period between August to September 2020 as muddled. My father received bizarre letters that conflicted each other in what was being stated. Despite being told that he had terminal cancer, my dad did not receive any treatment and only a plan was discussed with urology; which did not come into fruition. Apparently, biopsies were not being carried out since COVID-19 had broken out and we had the feeling that we were being left to drift. Different doctors gave him differing diagnosises and every doctor he spoke to just wanted him to sign a DNACPR. The fact that my father hadn't even been told about his cancer despite the notes that were made in April 2020, is truly unforgiveable.

12. Against the backdrop of this, three days after my father had initially been told he had terminal cancer (and subsequently treatable cancer), my mother suffered a catastrophic stroke. When I arrived at my mothers, she was paralysed down one side. I was in sheer panic and called 999 to request an ambulance. My brother came over and we had to carry my mother down her stairs. It was then that I phoned 999 again, which was answered by my neighbour, who recommended that I take my mother into the local general hospital in I&S as soon as possible. She couldn't tell us a time for when an ambulance would arrive, but told us it would be over the recommended four hours for stroke patients. I couldn't fathom what I was being told and believe this is indicative of a broken system. I have since had discussions with the Stroke Association, trying to understand why strokes are treated as category 2 calls rather than category 1.

13. My mother's initial treatment in A&E was fine. However, this turned horrendous once she was admitted to the stroke ward. There were predominantly junior doctors on the ward and I was left with the sense that the only option available to my mother, which was being strongly thrust on to us, was to be placed in a community hospital. I was convinced that this would kill my mother and so fought extremely hard to be registered as her carer and for her to be discharged. Interestingly, my mother and father were now in the same hospital and I was able to visit my mother on the stroke ward but unable to see my father on the orthopaedic ward, who would have really benefitted from visitation during his distress. My mother was discharged without any notes or medication. We were told she had to walk to my car and so we, again, had to really fight to get any assistance, which was a porter. Our experience during my mother's first stroke, from trying to get an ambulance to her

treatment at the hospital, was truly dreadful. This was compounded by the lack of care delivered by the consultant; we had never received an appointment. It was upon talking to a family member, who also received terrible care from the consultant, that I was advised to place my mother under the care of a recommended doctor at a I&S hospital. I consequently wrote to the health board explaining the deep mistrust we had and requested that she be transferred to be under the care of the other health board. They didn't do this so I made contact with the recommended doctor at the other health board myself. The difference in care was astounding.

14. In November 2020, my mother suffered a second stroke and following our dire experience with 999, opted not to call and instead take her directly to the hospital in I&S the next city over. I did call them beforehand so they were expecting us. As we pulled up outside A&E there were four nurses stood behind a desk at the exterior of the entrance. I put my mum in our own personal wheelchair and gave a nurse her details. The nurse then wheeled her off telling me that I was not allowed in A&E. I explained that I was her carer but was not allowed to go in with her. I asked for a Senior member of staff and was told that if I didn't leave they'd call security. After 30 minutes this threat became "the police" being called. My mother was unable to speak and was confused from her stroke so I knew I had every right, and need, to be allowed access to A&E with her. I noticed a mother who was also not allowed to go in with her daughter, who had self-harmed and was refusing to go in without her mother. I felt that there was a complete lack of compassion from the nurses that evening. I once again, had to fight to be able to talk to a manager. It wasn't until 45 minutes later, that I was able to see a manager and go to my mother. I also made sure that the other lady and her daughter were allowed in together too. I found my mother, on her own, slumped in her chair and dribbling over herself; I have never seen anything as disgusting in my life. I posted a thread on X at the time of my dreadful experience, which was subsequently mentioned in the Senedd. However, once my mother was admitted to the ward, her treatment was far superior in this hospital than what she experienced during her first stroke. This period was horrendous and extremely taxing on me, losing four stone in weight at that time. Both hospital A&E's and wards were a breeding ground for COVID-19. Both were aged hospitals that relied on ventilation from windows only. Staff wore surgical masks. It was also really concerning that at the I&S hospital covid and non-covid patients used the same entrance before forking left or right.

15. By the end of September 2020, my father had finally seen an oncologist (the only face to face meeting he ever had), and a treatment plan was put into place. This delay was wholly unacceptable, considering he had been told that he would be lucky to see Christmas over

two months prior. We have since found out that the Urology team didn't even stick to their original plan to drain his kidneys which would have relieved some of his symptoms. He started radiotherapy at that time, which I took him back and forth to. The staff at The cancer centre were lovely but we still struggled with a lack of information communicated to us and there was no consistency in what we were being told. He was also pestered to sign a DNACPR on almost every occasion. At this point we were still being told that the cancer was treatable. During this period, my dad had issues with water retention and so would be treated in hospital for two-week stints, in order to drain the built-up fluid in his body. Despite the horrible experience that my dad endured he fought hard to maintain a positive attitude.

16. In early December 2020, I contacted a private prostate cancer specialist to seek treatment for my dad. I had to write to the health board to ask them for his notes to be transferred. It was at this point that I was told that I would be "wasting my money" and that my dad's cancer was terminal. I did not tell my dad this information.

17. I had written to the health board demanding answers for their erroneous actions, indecisiveness and all-round negligence in my dad's treatment over that year. I received a response on 23 December 2020 from the health board, acknowledging that they had messed-up and that they could not explain why the consultant had delayed the decision to treat my father, other than it could have been because of the disruption caused by COVID-19. They stated that they were very sorry and they could pay out a sum of compensation but recommended that we went to a solicitor. This was difficult to accept; my dad was going to die because of the health board's failures.

18. I had to read the letter to my dad on 24 December 2020 that the hospital in I&S had messed-up and that he was going to die. This completely ruined our family's Christmas and sent my father into an extremely dark place. It is one thing to be told that you are dying of cancer, but to not be told this when the health board knew and could've done something, or at the very least told you, is barbaric. I still cannot get past this anger. My father had a very bleak Christmas period, which was amplified by the fact that I couldn't see him because of lockdown restrictions. On 3 January 2021, despite the restrictions that were in place, I felt it extremely necessary to visit my dad and spent that afternoon trying to cheer him up. We discussed strategies to help him cope and he had playfully remarked that he had been through his finances so that he knew exactly what was there if anything was to go missing. My dad had even arranged and paid for his own funeral at this point. He would be happy if he could just get to his garage and tinker with his cars. All my dad wanted was to have some quality of life but even that was to be shortly taken away from him by the health board.

19. On 4 January 2021, my father phoned his GP as fluid was building up in his body. He was advised to go into the district general hospital in I&S (GP arranged it), which he did. My dad was nervous about going into hospital and he carried the health board letter admitting fault with him. It was the first thing he showed any doctor. He also had a photo of my daughter, who is a barrister, in her wig and gown on display at all times. He told staff that she specialised in clinical negligence, even though she doesn't. We were desperate for someone to care about him. Within 20 minutes of walking into the assessment unit, my father was asked by a first-year medical student to consent to a DNACPR. This was distressing for my father, who was only going into hospital for treatment to drain his fluid retention. Furthermore, my dad explained to the doctor that he had lost two family members that week and so a discussion on whether to consent to not receiving CPR was not a topic he was comfortable discussing at that time. I know how upsetting this was for my dad because he phoned me to tell me about the difficult conversation thrust upon him as soon as he entered the hospital. There was a complete lack of respect for his wishes. I am further enraged by my father's medical notes from the day he went into the hospital, which stated that he did not want to discuss the DNACPR. Below that note, in a different coloured pen was written "but understood the decision and accepted it". This clearly was false and highlights the blatant disregard that my father encountered.

20. A day later, the consultant phoned me in an attempt to get me to agree to the DNACPR. I felt pressured by the consultant's tone and I can only describe the conversation as one of the most difficult of my life. The consultant had told me that "if it was her father's last hours, I wouldn't want junior doctors jumping up and down breaking his ribs." This disgusted me. When I tried to explain that I did not agree to the DNACPR on the phone and would need to have the conversation with my dad to go through it, the consultant told me that it was her "decision anyway but just wanted to let you know." She even laughed and said that the water retention was putting a strain on his heart and that she thought he wouldn't make it off the ward. Upon hearing this, I crumbled to the floor. I felt completely powerless, I couldn't even speak about the decision with my father and we felt that we had zero input on this life changing decision. I spoke to the Director of Nursing for the health board, who had come to my house to try to reassure me that the approach was not correct and that the consultant shouldn't have said what they did. I am perplexed with the disconnect between procedure and action at the hospital in I&S It is my view that my dad was in this position due to the health board's negligence and I am so dismayed with their approach.

21. At this point, my dad was on a six-bay ward. He was not receiving any radiotherapy or treatment for his cancer but was undergoing physiotherapy and connected to a drip to help with his drainage, which was working relatively well. My dad was due to come out in two weeks and despite being pressured daily regarding the DNACPR (despite it already and unknowingly being on his records) and being given incorrect medicines twice by an agency nurse, he was generally in good spirits. My dad had even purchased himself a new pair of trainers for his discharge and whilst I could not visit him at the time, I was in regular contact. The lack of visitation made the experience of being treated in hospital extremely difficult for both patients and families. I remember standing outside looking up at his window while we both waved at each other on the phone. I would describe my dad as a model patient and his strong inclination to help others was displayed on the ward. My dad was good with technology for his age and helped the other patients by keeping them in contact with their families through Facebook and other platforms. When my dad did pass away, I received a flood of message requests from patients from the ward and their family members, who wanted to express their condolences and share with me the positive impact my dad had on them during his time on the ward.

22. I would describe the Infection, Prevention and Control Measures that were in place at the hospital as extremely poor. The building was old, having opened over 50 years ago and had almost no ventilation. My father had asked to open the windows, whilst on the ward, but he was told that they couldn't because it was January and too cold. When he was admitted, I had asked to bring in a HEPA filter fan for him but again was told that I couldn't. Staff were moving between wards and patients appeared to have free rein, coming down to collect items from family members. I would describe the scene as chaos. Elevators were packed full of people despite the signs clearly stating that only two were allowed and most people were not wearing masks correctly or not at all. It was chalk and cheese in comparison with my husband, who a month later was undergoing treatment for cancer in a hospital across the border in England. As background, my husband had the same Urology consultant as my dad. When I realised, we obviously asked for this to changed. When he was transferred to a different Urology consultant he was notified that his scans had been read wrong and that he had kidney cancer. The hospital said it was a "near miss" and that the cancer should have been diagnosed earlier. My husband had excellent treatment from there on and was transferred to the hospital in England. That hospital had good ventilation, patients were in single rooms, masks were being worn correctly and there were no patients coming down to collect items. It truly feels like a postcode lottery. Unfortunately, I knew it was only a matter of time until my dad was to catch COVID-19 in

hospital. I also asked on admission whether he could have a COVID-19 vaccination as he was vulnerable and likely to be in hospital for a fortnight – the answer was no.

23. On 20 January 2021, I received a phone call from a nurse on my father's ward, who told me that they were really sorry but there was a COVID-19 outbreak on the ward and that my dad had tested positive. The tone from the nurse was totally unacceptable, it was as if they were laughing about it and that they couldn't believe an outbreak occurred. My dad's ward was shut down and he and another patient were transferred to a COVID-19 ward. I was concerned that my dad was being shoved off and raised this with the Director of Nursing at the health board, who reassured me that it would be a good thing and that it would enable the staff to keep an extra eye on my dad and provide better care. This couldn't have been further from the truth. I had requested that my father be treated with steroids that were being commonly used to treat patients; he was not given any. Whilst I could send items such as food and laptops up to my dad on the previous ward, this couldn't happen on the COVID-19 ward. I only witnessed a nurse coming from that ward, carrying my dad's washing, (which was not in a sealed bag) which baffled me. The level of care was truly sub-standard and the whole experience on the COVID-19 ward was extremely frightening for my dad.

24. My dad phoned me at 14:00 on Sunday 24 January 2021, in agonising pain. His catheter was blocked and he was telling me that the ward didn't have any saline left to flush the catheter and that there were no kits available. I cannot understand why the ward could run out of such a basic necessity for the care of patients. I did not believe this either. Until midnight, my father was calling me every hour in tears and excruciating pain. I phoned the ward and spoke to a nurse who fobbed me off with a "what do you want me to do about it." I said to get him a doctor. She said this might not be possible on a Sunday night. I was furious with this statement and cannot share my response. The attitude was extremely inappropriate and the lack of treatment was inhumane. An hour later, I received a call from the doctor who told me that they were able to flush out the blockage and that my dad was comfortable. He was given medication to knock him out. This was 11 hours of agony endured by dad. My dad's notes later revealed that "he was sleeping" "watching a film" during this time. However, the truth and my phone and text messages prove otherwise.

25. On the morning of 25 January 2021, my dad was told that he would be moved to the local general hospital in I&S and was reassured the Urology team at that hospital was the best place for him. At 09:00 that morning, I received a call from my dad. He was gasping for air and couldn't breathe. This was extremely upsetting as he couldn't get any words out. I listened for about a minute before having to hang up. He had phoned the entire family

and I can only imagine the distress that he was going through at the time. I called back and spoke to a nurse who said he was in agony and that he was being sent to the hospital in I&S as an emergency to change his catheter.

26. My father was not transferred to the hospital in I&S until 14:00 on 25 January 2021, 24 hours after he should have been transferred. His phone had been switched off and I could not get any news. This is utterly unacceptable. The health board have apologised but cannot explain the delay. There was only one doctor working at a time on that ward over the weekend. My father had to suffer indignifying pain because it was a Sunday.

27. Once he was transferred, he appeared to be stable, which further adds to my misery and questions the delay he had to endure. I felt compelled to tell my dad's nurse stories about the amazing life he had lived as I felt desperate for her to like him. This desperation was borne out of a desire for him just to be treated a person rather than an issue, which it had felt that he had been treated as up to this point. On 26 January 2021, I received a call from the doctor who told us that he had deteriorated and that he was dying. To not be able to be with my father and to hear that news was completely devastating. He was with a nurse and so I was constrained to saying my farewell to my father by text message, with the hope that it would be read out to him. It is truly difficult to put into words how painful it is to say farewell to a loved one by text message. I just wanted my dad to feel comfortable and wrote for him to just go now.

28. My father passed away at 21:00 on 26 January 2021. The nurse had written "RIP Phillip" on his notes. This was extremely overwhelming to read as that isolated moment of human touch felt like the only time he was treated like a patient rather than a problem.

29. I had received my father's clothing that was covered in blood and was asked whether I wanted his shoes that were blood-soaked. His belongings were in a large clear bag with a security tag. I was told not to open them for two weeks whereas days before I had been given his washing in an open bag. I dread to think the suffering he must have endured for his belonging to be in such a state. My father had arranged for his own direct cremation.

30. I later became aware that whilst my dad was in the I&S and I&S hospitals, several employees were given permission to move around the hospital and take photographs of patients. After my dad died, I saw a tweet from one employee, who had posted a photo of a body in a body bag in a morgue with the words "tough day today." This was just one of many photos posted by the employee. As a lead member Covid-19 Bereaved Families for Justice Cymru, the group asked the employee to delete them. I

subsequently found out that employee had published two books with the photographs and sold photographs online and at galleries. We even had to instruct our solicitor to assist in preventing the glorification of the images through a BBC documentary. It beggars belief why the health board thought it would be appropriate to permit employees to use the suffering endured in the pandemic to further their photography aspirations whilst people were dying for, the deadly virus. I cannot get over the thought of someone taking a photo of my dad whilst he lay dying alone. As a group we raised this matter with the First Minister, Mark Drakeford, he said he "couldn't be held responsible for everything that happens in Welsh hospitals".

31. My dad has lost all rights since his death, which has made trying to seek answers for his denial of rights during his life a near impossible task. I wrote to the health board to seek answers as to why he caught COVID-19 in his non-covid ward. I was initially told, that it could have been from a teaching event, the sharing of toilets in a small section of the hospital or that staff were all living together. This was difficult to accept given that the Welsh Government had announced regular Lateral Flow Testing of frontline workers, almost two months earlier, which wasn't implemented in the health board until March 2021.

32. Subsequently, the Nosocomial Inspection Report was published. The findings were that COVID-19 could have been spread from a patient that was transferred from the university hospital in I&S. In a complete u-turn, the report stated that my dad's death certificate which stated i. Covid pneumonia ii. Prostate cancer iii. Heart failure as cause of death was wrong. They wrote that my dad had died from a blood infection (from his knee). They stated that they'd taken the blood on the 25th January and the results had come in after his death. This was untrue. My dad had the blood infection for four years and his notes stated that it did not need treatment. He was on a covid ward, and at least 16 staff during his final 24 hours noted in his records that he had covid pneumonia. Having caught COVID-19 in their hospital, died from it, this latest denial from the health board is a further blow to our family.

33. Since the initial letter received from the health board on 23 December 2020, I have fought with the health board to seek answers. I will never know, however, whether my dad would still be here if the health board had acted in December 2019. Importantly, the health board, had stated in December 2023 that they would send a follow up letter a week later, detailing the steps that have been taken to make sure that nobody experiences the failing that my dad endured. Six months later and despite chasing from my solicitors, I still await that letter, which is truly appalling. My family just want answers and actions so that this doesn't happen again.

34. The health board could not have taken any less of a person-centred approach when it came to the experience my father suffered. I find it truly unforgivable that my dad's cancer continued to grow and he suffered, without knowing. What hurts more, is that it has felt like there has been a complete cover up from the health board, with every letter from the health board at odds with each other. The complete lack of candour has left us as a family, completely dismayed and with a total lack of trust in our local health board.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed: **Personal Data**

Dated: 21/06/24