THE TIMES

Why I denied shaken baby syndrome

Pathologist Waney Squier was struck off after challenging the evidence in child abuse cases. Now reinstated, she talks about her battle

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November 16, 2016, 12:01 AM, The Times

Dr Waney Squier: “It felt like it was my duty to explain in court there was a problem”
LUCY YOUNG/EYEVINE

Amid the photos of Waney Squier’s daughters and grandchildren at her Oxford home are congratulation cards. This doctor had the courage — some say the foolhardiness — to question “shaken baby syndrome” and she paid a heavy price.

An eminent pathologist, one of the world’s foremost experts in babies’ brains, she was struck off the medical register in March. Yet her supporters are thrilled that this decision was overturned by a High Court judge this month. After more than six years of legal battle Squier is now left to pick up the pieces and clear her name.

So Squier is relieved, yes, but she is also deeply concerned. At stake in her case, it seemed to many, was the freedom to voice inconvenient truths. Michael Mansfield QC called her punishment “a 21st-century inquisition” and the *British Medical Journal* published a letter in her

support from hundreds of doctors, scientists and lawyers, including Sir Iain Chalmers, a pioneer of evidence-based medicine.

It also raises serious questions about what are believed to be hundreds of families who each year are accused in the courts of shaking their babies to death. Just in the past two weeks a major Swedish review of shaken baby syndrome concluded that there was as yet no good quality evidence that it exists.

“We need a public inquiry into how shaken baby syndrome is still being used in the family and criminal courts,” says Squier. “People are being accused of it and we know now there is no real evidence to support it. And that is very worrying.”

Figures are hard to obtain as the family courts are heard in private, but it is believed that about 250 shaken baby syndrome cases are tried each year. It is not known how many end in conviction for the diagnosis of “shaken baby syndrome” alone, where parents protest their innocence and there are no other signs of injury. These are the ones Squier is most concerned about.

Does she believe that in those circumstances half of the convictions, say, for shaken baby syndrome may be unsound? “I think that’s very reasonable. That may be the case.” Or maybe all? “That is the big worry. We don’t know what happened and we need to find out. We need more research on these babies to find out what causes these symptoms. Any parent who has been accused of shaking their baby without any other sign of injury may have been wrongly accused.”

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Squier speaks gently but with precision. She is one of only two consultant paediatric neuropathologists in the country. Aged 68, she has spent 32 years at the John Radcliffe hospital

in Oxford, where she has examined more than 3,000 brains, mostly of young children. About a quarter of her 120 peer-reviewed studies have been on shaken baby syndrome. This unique specialism made Squier the obvious choice as a prosecution witness when cases began making their way to the courts in larger numbers in the 1990s.

It was during this period that Louise Woodward, the 19-year-old British au pair, was convicted of manslaughter in America for death by shaken baby syndrome, bringing this kind of abuse to worldwide attention. Last year Patrick Barnes, the American radiologist who was the key prosecution witness against Woodward, told *The New York Times* he was now far more sceptical about shaken baby syndrome. If giving evidence in the Woodward case today he would give a different opinion, that the injuries instead "could have been accidental".

However, nothing shows how high the stakes are or how dramatically Squier changed her mind than the case of Lorraine Harris. In 2000 Harris was convicted of shaking her four-month-old son, Patrick, to death. Squier had written a report for the prosecution saying Patrick was the victim of shaken baby syndrome. This is diagnosed when the baby shows three signs: swelling of the brain, bleeding on the brain's surface and bleeding behind the retinas.

Yet in that same year, research by Jennian Geddes, neuropathologist at the Royal London hospital, into the brains of "shaken baby" victims found that they did not have the kind of mechanical nerve damage you would expect from shaking. It was as if a light went on for Squier. What was causing babies to show these signs was still under-researched, but shaking, for Squier, no longer seemed to fit. "Geddes was highly respected. I went and looked at the literature and concluded that shaken baby syndrome was not a viable hypothesis. I realised I had been getting it wrong as I hadn't done enough research."

Harris had been sent to prison, making her unable to attend her baby's funeral. Her husband left her and her older child was adopted. In 2005, when Harris's appeal was heard, Squier acted as a witness for her defence and Harris's conviction was quashed. Squier has never met Harris but feels terrible about what happened. "It was extremely tough for me, but the fact was I had changed my mind."

In the following years pathologists led the field in questioning shaken baby syndrome. This year a study in the American *Journal of Pediatrics* reported that only a minority of American pathologists believe in shaken baby syndrome, compared with 90 per cent of doctors in emergency medicine. In courts the differences became bitter. By early 2010 Squier was reported by police to the General Medical Council, accused of being "deliberately misleading" on the issue in court. Two other paediatric pathologists, Marta Cohen and Irene Scheimberg, who also acted as expert witnesses to the defence in shaken baby syndrome cases, were reported to the GMC and the Human Tissue Authority respectively. Cohen has said this treatment amounted to a "witch hunt".

"I think we are the three who stepped up and said: 'We don't believe in the hypothesis,' " says Squier. "Many other people have said: 'We're sure you're right but we don't want to get involved.' I've met some senior paediatricians who would be tremendous experts in these cases, but who say: 'I'm not going to do it. It's more than my career's worth.' They know what would

happen if they put a foot wrong. The message out there to any other pathologist or paediatrician is if you challenge the mainstream you're going to be picked off."

It took until 2015 for Squier's case to be heard. The hearing lasted six months, during which she had to give up her job and live in rented accommodation in Manchester to be able to attend daily hearings there. The panel, made up of a retired police officer, a retired RAF service member and a retired psychiatrist, found against Squier in March. The human rights lawyer Clive Stafford Smith said it was "a very dark day for science".

"I don't think I've ever felt quite as low as when I got back to Oxford," says Squier. Was her career was in ruins? "Yes. And among my greatest supporters were the staff I worked with at the John Radcliffe. To be divorced from that was very difficult. I really was adrift. It took me quite a while to get myself up from that."

Was she attacked on a personal level? "Yes, the immediate response from proponents of shaken baby syndrome is these are just apologists for child abuse. Which of course is completely wrong. We have all seen cases of child abuse, sadly."

In his ruling last week, the judge, Mr Justice Mitting, said the panel that had struck off Squier were wrong to call her dishonest. He said "they revealed a disturbing lack of understanding and overstatement about what had occurred". I tell Squier that I find it astonishing that a doctor of her stature could be struck off for matters that were focused on court procedure rather than relating to her fitness to practice. "It was pretty shocking to me," she says. "It seemed particularly vindictive. It was very harsh to be struck off. Particularly to be called dishonest. That was hard to take."

However, the judge did find that Squier had failed to be "unbiased". He imposed a condition on Squier's medical registration: that she not give expert evidence in court for three years. Neither Cohen nor Scheimberg any longer act as witnesses in shaken baby syndrome cases. Scheimberg told *Newsnight* that this was "because I'm afraid of the possible consequences".

Squier believes Geddes retired from her career in pathology partly as a result of unpleasant reaction to her shaken baby syndrome findings. "She too was brave enough to challenge this. No doubt she would no longer put up with the vitriolic response to a scientific paper she was subjected to. They have got me out of the courts. They have frightened Dr Cohen and Dr Scheimberg. That's four women."

So are there no more British pathologists willing to act as defence experts in shaken baby syndrome cases? "Not that I'm aware of." This would be very worrying if you were parents accused of this crime. "I think it's shameful."

Last month a team of researchers in Sweden concluded their meta-analysis of 1,000 studies into shaken baby syndrome. Of these only 30 were deemed of sufficient quality and of those only two, of moderate quality, were in support of the theory. "Our main finding is that there's very low-quality scientific evidence for the claim," said Niels Lynöe, the specialist in general medicine at the Karolinska Institute in Stockholm who led the team.

Squier wants to regain her job. She has also been invited to rewrite the textbook on paediatric neuropathology. Will there be a section on shaken baby syndrome? “Oh yes,” she says, smiling ruefully.

Does she, with hindsight, regret getting involved? “Maybe,” she says. “I should have stopped years ago. But I think because of my long experience with the developing brain I was in a good position to assess these cases. It felt like it was my duty to explain in court there was a problem. It would have been wrong to say nothing. Not only is it a travesty of diagnostic pathology but also it is a travesty of justice if the wrong information is given to the court. No, I don’t regret it.”

How did she maintain her spirits during this long, isolated fight? “Just thinking what it is like for a parent. What I went through was pretty bad, but for some parents, they go through this when their baby has just died. They tell the truth and people don’t believe them.”

http://www.thetimes.co.uk/article/why-i-denied-shaken-baby-syndrome-x8nql2dzn