

WESTERN HEALTH AND SOCIAL SERVICES COUNCIL

Notes of Meeting of Western Health and Social Services Council re UTV Insight Programme held in The Fir Trees Hotel, Strabane on Wednesday 3 November 2004 at 12.30pm

Members some of whom had not seen the UTV Programme, were asked to attend a confidential pre-Council meeting for a private viewing of the programme.

The Chief Officer stressed that this was one of the most important issues the Council had had to deal with.

R Rogan - WHSSC should support the families in their request for a Public Review. He said that whilst these were allegations he felt UTV must be fairly certain of their facts before going public. He said in his time as Chair of the Council there were all sorts of problems and Sperrin Lakeland had asked the Council to participate in their Review but we rightly refused. He felt it was a deliberate attempt to enrol the Council in their efforts to retain their creditability which he took great exception to.

P McGowan - said the Chief Officer and himself attended a meeting in May with Sperrin Lakeland Trust and made it very clear that we would not be involved. Sperrin Lakeland Trust Management were not happy. He stressed that their (WHSSC) prime responsibility was to support the family and build confidence within the family and to be available for them.

H Quigley - Spoke to Raychel Ferguson family on Tuesday who are calling for a full Public Inquiry. She said she welcomed the Inquiry but WHSSC should support the family in their request for no one from N Ireland to be involved in the process. She felt it was the only way the families would have confidence in the Inquiry. She said the Ferguson family were deeply offended by the Minister's statement where it clearly said this was to give the public back confidence, there was absolutely no mention of accountability as she understood it. Commenting on the programme she said following the Professors remarks in respect of fatalities that take place in the that we should be calling for the same as he called for i.e. for every fatality to be investigated, so that whether it is a child or an elderly person we shouldn't ever find ourselves going down the road of having to chase up report after report again. She said she found it particularly shocking and disturbing to sit through watching the video and she would like to see it again as there are some things which may have been missed.

R McKelvey - It is a very emotive subject. He agreed with R Rogan and H Quigley. He said he had phone calls from people in Fermanagh asking if he could not do

something. He said as he saw it, from the Top Down the system has failed. He also called for a full Public Inquiry but said it should go further and hold a Public Inquiry into the Chief Medical Officer's handling of the cases. He said he had called at the District Council meeting the previous evening on the Chief Executive of the Sperrin Lakeland Trust to stand down during the period of the Inquiry but after seeing the Programme he felt a whole lot more should stand down for the simple reason that it was lives was the issue. He said money can't buy these families their children. Health is more important than planning. Everything should be open and on the table. He said that WHSSC should be speaking with one voice and calling for a full Public Inquiry. He again called for the Chief Executive of Sperrin Lakeland Trust and also the Chief Executive of Altnagelvin Trust to stand down during the period of the Inquiry.

A Bell - Agrees with everything that has been said so far.

V Brown - The WHSSC should be calling for Dr Jarlath O'Donoghue to be immediately suspended. There is no confidence in him. She said she supported the call for a full Public Inquiry.

H Andrews - Agreed with what V Brown had said. H Mills, E Fee, Dr Kelly and H Mullan appeared before Fermanagh District Council the previous evening. Councillor Gallagher from Garrison stated that two women who had two children in hospital actually went and took them out and got them treated at home with their own GP because Dr O'Donoghue was still working in the hospital. He believed that Dr O'Donoghue was suspended and re-instated.

M Reilly - said her understanding was that he had been on sick leave and returned because he had never been suspended.

H Andrews - Given the circumstances he would have thought that even before the Minister's investigation he should have been suspended until the Trust's Review had been completed.

M Trimble - Said as with R McKelvey she also had been approached by several members of the public requesting that the WHSSC take some part in initiating a procedure whereby the Trust members would step down.

P McGowan - Three or four families have said to him they would not be prepared to get their children treated in any hospital in the WHSS Board area. He said he was very alarmed by this.

M Mclvor - Does WHSSC have any access to legal advice before anything is said.

M Reilly - This question has come up through the other three Councils – not specifically about this. We have some protection but untested. The four Councils have

a concern about it. We do need to be very strong in what we are saying and not ambiguous. We have to be absolutely careful and rigorous in how we present that.

M McIvor - Much happier if it was run past legal advice even if we have to pay for it. It is so potentially dangerous. As a member of the Council would not be content unless we take legal advice about what we were about to say or do.

J Kerr - I wasn't a member of the Council until 2002/03. S Millar was mentioned - what exactly is our involvement.

M Reilly - Our role was to support complainants in which case we supported the Crawford family as far as was possible. The family then disengaged because they went down the route of litigation. Consequently we have had access to a lot of information including case notes, letters from Coroners etc. still held in WHSSC offices with their consent. S Millar became involved when introduced to Ferguson family by H Quigley. Then was privy to their notes and in his perusal of these alarm bells went off and said there was a similarity between the two cases in the terms of the cause of death.

The other part of our duty is to represent and reflect the public concern. Even if we had never had any involvement in supporting complainants we have a duty to reflect that concern. We have never openly debated the Lucy Crawford case at a Council meeting. Are we failing to represent the public concern? P McGowan and I have worked on a general statement of our concern and I would ask all you to give your opinion on the content. It will be added to, based on what members are saying if anything makes you uncomfortable or you think could cause any problems. We cannot be found to be wanting in representing the public concern. We need to do this in such a way that we are not exposing ourselves in legal terms. Fulfilled our commitment to the families to best of our ability at the time.

H Quigley - Concerned about just calling for member of Sperrin Lakeland Trust to be suspended. Look at what happened at Altnagelvin and Royal Victoria Hospitals. This could cause offence or split in the families.

P McGowan - Could be seen to be very selective. Asking for people in the Erne to be suspended whilst there are two other hospitals involved. A Public Inquiry would cover all of them.

V McKelvey - Programme is shocking. WHSSC have got to protect public. Go for a full Public Inquiry. Shouldn't ask for suspensions. Understanding is that the Programme is also subject to scrutiny. What are the Department and Chief Medical Officer doing to ensure there is no repeat. Is there general advice going out to all consultants about what has happened. Is there a general directive to make sure it doesn't happen again.

M Reilly - Understanding is that when Raychel Ferguson died the Medical Director of Altnagelvin in recognising what had happened raised the alarm to the Chief Medical Officer and he personally phoned around the Medical Directors of all of the Acute Hospitals Trusts.

With reference to H Quigley's point If we choose which ones we are going to ask for to be suspended we are in a difficulty . Also have to bear in mind we (WHSSC) are a mixed body of people some who are public elected representatives. It is extremely important on the strength of your feelings and your parties feelings the forum to do that quite correctly is within your own District Councils. WHSS Council has a different remit and have to be together on this. We can't cherry pick. We don't know enough at this point to make these decisions. Our duty is to support the family. We should support the family in their desire for an open and Public Inquiry and at their insistence preferably headed by an outsider.

R Rogan - If a Member of Council said something in public – they have no legal cover whatsoever.

M Reilly - We need to agree our position as to what we as a Body (WHSSC) are calling for. If need be a vote will be taken and members agreeing to be bound by it. Privately or as District Councillors you can have a different position but if so state it is a private or elected representative opinion not the view of the Council.

M Trimble - Ensure statements are factually accurate. Can't be held liable for slander or anything libellous. Need to be able to be back it up.

B Page - Programme very distressing. Referring to the RVH case he said we shouldn't be gagged by anyone. Four years on family is still looking for justice. WHSSC should be forerunners of that justice. Chief Medical Officer has no creditability at all. Agrees with call for full Public Inquiry.

I Maguire - Concerned that we would be seen to be absolutely useless. We have a role to play and need to make it clear to people what that role is and what our constraints are and why we are adopting the position that we are. Concerned if people were suspended would they still be answerable to any ongoing inquiry.

E Friel - Met with Altnagelvin. Is there a minute on record. They said they made all the information public and did circulate information to other hospitals. Agreed with not pressing for suspensions. Inquiry should be public and immediate. As a Body nothing to lose in asking for it. FOI Act come into being in January that may have an impact.

M Hamilton - Would bottom line be supporting family and Public Inquiry.

M Reilly - Read out statement.

All of us present have had an opportunity to view the Insight programme, 'When Hospitals Kill'. Our first thought is with the families and how deeply tragic it is that three families' lives have been blighted by the events leading to the deaths of their young children. Two of these children; Lucy Crawford and Raychel Ferguson came from and received medical care in our area.

We would want to again offer our sincere condolences to all of the families referred to in the programme.

We are deeply concerned about the medical and care issues raised in the programme and the very disturbing allegations that there was a 'cover-up'.

As members know both the Chief Officer Maggie Reilly and I met with Mr Hugh Mills, the Chief Executive of Sperrin Lakeland Trust, his Chairman Mr Harry Mullan and Dr Diana Cody the current Acting Medical Director back in May 2004. We met to discuss the reason why the Western Health Social Services Council had declined the invitation to participate in the Trust's internal review of the events leading to the death of Lucy Crawford.

Our main concerns and objections at that time centred around, what was in our opinion the very narrow focus of the review, the absence of independent medical expertise and the fact that there was a lack of openness and transparency in the review process. We clearly stated at that time that we would be more confident if the Trust and the Department had instigated a full and independent review of all of the issues relating to the death of Lucy Crawford and the subsequent handling of the parents right to know what had happened to their daughter.

We concluded the meeting by saying that as an independent body concerned with matters of public interest that we would reserve the right to comment publicly on the outcome of their completed review.

Since we tabled the Insight Programme as an agenda item events have overtaken us with the announcement by the Health Minister Angela Smith of the setting up of an independent inquiry, led by Mr John O'Hara QC, into the issues raised by Insight and to investigate the allegations made in the programme.

We welcome the intervention by the Minister as an important first step. We would also want to acknowledge the sensitivity shown by the Minister in informing the families concerned of her intentions before making a public announcement.

However as of today we do not know how this inquiry will be taken forward either in it's scope or terms of reference.

As a body charged with representing the public interest in health matters and in listening to and reflecting public concern we would strongly urge the Minister to ensure that the scope of the inquiry is sufficiently wide to encompass all of the issues raised both by ourselves and the Insight programme. We would further ask that the Inquiry is a full Public Inquiry.

These families live with an enduring burden of grief and powerlessness which neither time nor compensation could eradicate. We can only guess at the terrible consequences that these untimely deaths have had on the families.

This inquiry therefore must be open and transparent, it must be time bound within a time frame which is reasonable in which to work and bring about its conclusions. It must be able to call on all of the key people involved in the care of the children and all others who had a responsibility to protect these and future children in the planning and delivery of care.

To that end we call on the Minister to make this a full public independent inquiry and in light of the families' concerns we would further call upon the Minister to appoint an independent Chair from outside the jurisdiction.

The families must have the right to be heard not only as witnesses but also in the shaping of this inquiry. They must be supported to participate in a way that is meaningful to them.

The public whose confidence has been severely dented must observe a process which restores that lost confidence.

The outcome of this inquiry one can only hope will give some relief to the families in the knowledge that whilst nothing will ever return their children to them, that the lessons learnt and changes implemented will mean that no other family should ever have to go through this again.

P Gilgunn - Our role is supporting families. We need evidence that families want Public Inquiry.

M Reilly - Mrs Ferguson clearly states that she wants Public Inquiry. When Crawford's were communicating that is what they were asking for.

H Quigley - We have a duty not only to families but to the general public.

M Reilly - WHSSC disquieted enough to say that the only way to do this and restore public confidence would be a Public Inquiry.

M Burke - Dr O'Donoghue has been referred to GMC. Will findings of the GMC be made available.

M Reilly - Understanding is no, employers have to be informed but no obligation to tell public.