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Sent: 23 October 2013 18:41
To: Conlon, Bernie (IHRD)
Cc: Joanna Bolton
Subject: Family Opening

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Bernie

We refer to the opening statement of the Mitchell family which was received from the Inquiry this afternoon, 23rd October. The Trust is unhappy with aspects of the opening and the discussion of seizures as this is an issue which is outside the scope of the Inquiry. The Trust has considered initiating Judicial Review proceedings as, in its view and as aforesaid, the opening addresses issues clearly outside the terms of reference of the Inquiry. However, the Trust does wish to delay the Inquiry and on that basis does not wish to bring Judicial Review proceedings. We do, nonetheless, wish for the Inquiry to be made aware of the Trust's position and we have attached a submission on behalf of the Trust which addresses the family's opening in more detail.

Kind Regards

John

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The Trust appreciates and supports the right of the Mitchell family to make a formal opening to the Inquiry and the Trust notes that that opening does address and indeed concedes that it addresses issues which are strictly outside the terms of reference of the Inquiry including the issue of seizure activity. The issue of the nature and extent of seizure activity cannot be resolved by this Inquiry. Whilst the Trust accepts that the family has very firm views about the nature and extent of seizure activity demonstrated by Conor, and whilst the Trust accepts that there may have been some form of seizure activity manifesting itself at the same time as the underlying disease process which resulted in Conor's death, the expert evidence does not confirm Conor's family's account of seizure activity. The Trust does not accept the family's account of seizure activity contained in the opening and the Trust would seek to remind the Inquiry that this issue was fully ventilated at the hearing of the Inquest into the death of Conor Mitchell and the Coroner made the following specific finding: "There is no evidence that enables me to conclude that any member of the medical or nursing staff witnessed the series of ten to twelve seizures each of two to three minutes duration and of increasing severity and frequency, the increasingly vivid intermittent rash or the choking noises described by members of the family as having occurred during that afternoon period." The Trust wishes to repeat its invitation to the Family of Conor Mitchell to meet with the Trust to discuss this issue and any other issue of concern to them.