

(9.30 am)

(Delay in proceedings)

(10.02 am)

TIMETABLING DISCUSSION

THE CHAIRMAN: Good morning. Just before Mr and Mrs Ferguson give evidence, I want to make some announcements about what's happening after today.

I want to get this business cleared up now and we'll leave the rest of the day clear for Mr and Mrs Ferguson.

Today is the last day of the public hearings about Raychel's death from the clinical perspective. So after today, the public hearings will be adjourned. We will then resume on Tuesday 28 May, from when we will sit for six weeks. The first week will be Tuesday to Friday because the Monday is a Bank Holiday; the following five weeks will be from Monday to Thursday, ending on Thursday 4 July. During that period, we will hear evidence on what we call "Raychel preliminary", which is the events which followed on after the death of Lucy Crawford in 2000. And then we will look in further detail at governance issues arising after Raychel's death in 2001.

Our best estimate at this stage is that the preliminary issues about what happened after Lucy died

Those hearings will run for six weeks and are likely to start on Monday 23 September, again sitting four days a week, and therefore ending on Thursday 30 October.

Our best estimate at present -- and this is only an estimate -- is that the evidence relating to Conor and Craigavon Area Hospital will take two weeks, with the remaining four weeks being dedicated to the department, but I emphasise that that breakdown is not set in stone.

I therefore require the consistent support and assistance of everyone involved in further hearings in order to achieve the schedules which I've outlined above. In that context, Mr Stitt, I have to express some concern about the lack of a consistent and prompt response to requests for documentation from the Western Trust. And I have to say now that, if there isn't a better response with immediate effect, I will convene a review hearing soon after Easter to identify where responsibilities for current failings lie and to direct what remedial action is taken.

I'm also concerned that yesterday evening the inquiry received an index of documentation from the Brangam Bagnall/MSD Daly litigation file about Raychel and the documents for which legal privilege is claimed seem to me to be unnecessarily wide. We'll have to follow that up, but by way of example legal privilege is

will take approximately four weeks and that the governance issues about Raychel will take approximately two. We've already touched on some of the governance issues over the last few weeks, for example the arrangements or lack of arrangements between surgeons, anaesthetists and paediatricians within Altnagelvin, and the critical incident review which took place on 12 June, followed by the meeting with representatives of the family on 3 September 2001.

The time between now and 28 May will be used to set up these hearings so that witness statements, final witness statements, can be obtained, expert reports finalised and Salmon letters issued and circulated all with as much notice as possible.

Some of that time will also be used for preparation of the final two segments of the public hearings. Those two segments are the limited investigation into some aspects around the death of Conor Mitchell, who was treated initially in Craigavon Area Hospital in 2003, and the second aspect is our investigation into the role of the Department of Health itself in all of these various matters. That latter heading involving the department extends to cover the activities of the department and its officials and their relationship with the various health trusts and boards.

claimed for a brown envelope with an index of medical reports. It's also claimed for what is described as an old file cover. We'll follow up on that.

Going back a little bit, we have some outstanding issues to tidy up in the case of Claire Roberts before I seek written submissions from the parties. You will recall that Dr Webb had been asked for a further statement on his entries in the medical records and what was referred to as the "green ink point". That statement has been received and will be circulated, but in addition to that, through their solicitors, the Roberts family have raised a further issue arising from a particular entry in file 150, that is the file which contains confidential medical records of other children and that issue will be followed up this week. But those issues have to be tidied up before we ask for final submissions in Claire's case.

I will also be inviting submissions on Raychel's case on the clinical aspects of it in the very near future; the dates of that will be confirmed over the next ten days.

So unless, ladies and gentlemen, there's any other business. Mr Stitt?

MR STITT: You brought a couple of matters to my attention. Firstly, Mr Chairman, it's peripheral, but you did state

1 that the issues involving the department for instance
2 would take six weeks from 23 October and finish on
3 30 October.
4 THE CHAIRMAN: 23 September.
5 MR STITT: Just for the record.
6 THE CHAIRMAN: Thank you.
7 MR STITT: Secondly -- and I note your observations -- if
8 there are any failings on the part of Altnagelvin Trust
9 to provide documentation, I would be grateful if one
10 e-mail could be sent summarising the current position
11 and it will be treated as a matter of urgency.
12 THE CHAIRMAN: It's not just Altnagelvin; it's what is now
13 the Western Trust and it relates to documents from
14 what was Sperrin Lakeland and Altnagelvin. Probably
15 with a slight focus on the old Sperrin Lakeland.
16 MR STITT: It'd be helpful if it was in one document and
17 then it will be -- and finally the question of the
18 litigation file.
19 There are two ways of looking at this. One is one
20 can parse the individual documents or one can say it's
21 a litigation file put together for the purpose of
22 litigation and that's the logic behind the latter.
23 I agree with you, of course, there are one or two
24 documents in the file which in themselves don't attract
25 legal privilege, but the part of the file, that's the

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1 could then correct it at that stage, that might be
2 easier.
3 MRS FERGUSON: Yes.
4 MR FERGUSON: Yes.
5 Q. If I just remind you of what those statements are.
6 Mrs Ferguson, you made a statement that was taken by
7 the PSNI, but I understand that was for the purposes of
8 the inquest, and that is dated 17 March 2002.
9 MRS FERGUSON: Yes.
10 Q. The reference for that is 095-001-001; is that the first
11 statement you made?
12 MRS FERGUSON: Yes.
13 Q. You also had a deposition at the inquest and that was
14 dated 5 February 2003. The reference for that is
15 012-028-144. Then there is a note that was made of your
16 evidence and there's a typed-up version of that, but
17 I won't need to take you to that at the moment. But
18 just for the record, that typed-up version can be found
19 at 095-003-012. And then you made a second PSNI
20 statement for the purposes of the PSNI investigation
21 into your daughter's death, and that's dated
22 22 August 2005, and the reference for that is on
23 095-004-014 and a third and a fourth. Both the third
24 and the fourth are dated 1 September 2005 and the third
25 is 095-003-009 and 095-002-005.

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1 reasoning behind it, and the fully described -- it's
2 a matter we can readdress --
3 THE CHAIRMAN: Exactly.
4 MR STITT: -- and I'm happy to work with the inquiry in
5 a constructive way to ensure that the inquiry is happy
6 and that my clients are happy.
7 THE CHAIRMAN: Thank you very much. We'll sort out that as
8 soon after Easter as can be done.
9 Unless there's anything further, Mr and
10 Mrs Ferguson, would you come forward, please?
11 Have a seat, please.
12 MR RAYMOND FERGUSON (called)
13 MRS MARIE FERGUSON (called)
14 Questions from MS ANYADIKE-DANES
15 MS ANYADIKE-DANES: Good morning. I want to take you first
16 to the various statements that you have made in this and
17 ask you if you adopt them.
18 I do understand that within those statements, there
19 are certain matters which you have come to see that
20 maybe you could correct or maybe are not as you now
21 think they should be now that you've heard evidence or
22 had further time to think about it. I'm not going to
23 ask you to go through the statements now and pick up
24 each individual item, but as we come to it, as you give
25 your evidence, if we reach one of those moments, if you

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1 I suspect that the third one is one giving formal
2 permission in relation to the use of Raychel's notes and
3 records. So those are the statements you made for those
4 other than the inquiry, and you've made one statement
5 for the inquiry; that's correct, isn't it?
6 MRS FERGUSON: That's correct.
7 Q. That's dated 13 December 2012. And the series for
8 that is witness statement 020. Subject to what I put to
9 you before and you agreed, are you happy that we take
10 those various statements as your evidence?
11 MRS FERGUSON: Yes.
12 Q. Thank you. Mr Ferguson, you have made one statement for
13 the PSNI, which relates to the police investigation into
14 your daughter's death; is that correct?
15 MR FERGUSON: Yes.
16 Q. That statement is dated 7 September 2005 and the
17 reference is 095-005-015, and you've also made one
18 statement for the inquiry; is that correct?
19 MR FERGUSON: That's correct.
20 Q. Firstly, that's dated 13 December 2012. The reference
21 is 021-1. Subject to the same thing that I explained to
22 your wife, in case there are things you want to correct,
23 but subject to that are you happy that we take those
24 statements as your evidence?
25 MR FERGUSON: There are some things that have to be corrected

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1 in it.
2 Q. Yes. But can we deal with those as we go along?
3 MR FERGUSON: Yes.
4 Q. Leaving that aside, are you happy other than that that
5 we take those statements as your evidence?
6 MR FERGUSON: Yes.
7 Q. Thank you very much. I'm going to address you both
8 together unless there's a particular issue that one of
9 you can't help because you weren't present at the time
10 and it's a matter for you in which order you answer
11 that.
12 The first is to do with Raychel's medical history.
13 I don't mean her medical history in general, I mean just
14 how she was, whether she was a healthy child or not a
15 healthy child, just her general attitude to illness.
16 Can you help us with that?
17 MRS FERGUSON: Raychel was never in hospital before. She
18 was always a healthy wee girl. That particular day,
19 whenever she came in from school, she was bouncing
20 about, she was out the back playing with her dog. Her
21 godmother was in at that stage. She was happy-go-lucky.
22 It was after her godmother had left, Raychel went
23 outside.
24 Q. Would I be right in saying that generally she didn't
25 really have medical problems so far as you're aware of?

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1 MRS FERGUSON: I would say it would have been just shortly
2 after 4. She would have been outside playing, but the
3 way it was happening was she was out in the street, she
4 came in and said, "My belly's sore", and away she went
5 again. She was in and out a few times saying that and
6 looked great, you know, there was no bad pain because, as
7 I say, she was out and in. I was talking to my sister
8 on the phone and saying to her, "Raychel's complaining
9 of having a sore belly". She said to me, "There's a bug
10 going around, maybe she's picked up that". I said,
11 "She's not that bad because she's still in and out", and
12 made her dinner because she had said she was hungry, so
13 I thought maybe that's where the pains were coming from,
14 ate her dinner, back out the street to play again.
15 Q. Sorry, when you say "ate her dinner", a normal amount?
16 There was no difficulty about that?
17 MRS FERGUSON: No problem eating. It was just what she
18 would have eaten any other day; do you know what I mean?
19 The reason she got it a bit earlier because I thought
20 that was maybe where the pains were coming from.
21 At one stage then I said to her, that's it,
22 you're not going back out again now, you're staying in.
23 So I said to her, "Maybe you have to go to the toilet",
24 so she went up and tried to go to the toilet and she
25 said to me, "No, I don't have to go". I said, "Well,

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1 MRS FERGUSON: No, she didn't have any.
2 Q. When you say she was bouncing about, would it be fair to
3 describe her as a fairly active child?
4 MRS FERGUSON: Fairly active because that particular day she
5 had her sports day at school and she came in and she was
6 buzzing because she had won a medal at that, so she was
7 buzzing because of the medal.
8 Q. And would she generally be talkative?
9 MRS FERGUSON: Always talkative. We would have to tell her
10 to be quiet. She was very loud.
11 MR FERGUSON: She was way loud, aye. You'd hear her from
12 the other end of the road.
13 Q. In order for the stenographer to pick you up, you're
14 going to have to speak directly into the microphone.
15 Then if we can come to that day on 7 June, you have said
16 now -- and I think you already said it in your
17 evidence -- that she was fit and well, so far as you
18 could tell, when she came back from school. This would
19 be you, Mrs Ferguson, because, Mr Ferguson, you would be
20 at work, wouldn't you, at that stage? And she was
21 buzzing and was out to play with her dog, I think you
22 said.
23 MRS FERGUSON: Yes.
24 Q. When, so far as you can recall, was the first suggestion
25 that she wasn't feeling well?

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1 I'll make you a wee bed on the sofa". So I brought the
2 pillow down and made the bed on the sofa.
3 Q. By that time, how was she?
4 MRS FERGUSON: There was no great pain. It was just like
5 she held her belly for a wee minute, like, but there was
6 no great pain to the extent that she was still able to
7 move about and go about, you know, that way. But when
8 I went into the living room at one stage her face had
9 turned a grey colour. That's the reason I took her to
10 the hospital. It wasn't because of the pain.
11 Q. Yes. You in your statement, one of your first
12 statements actually, you have described that as
13 happening round about 6.30.
14 MRS FERGUSON: Yes.
15 Q. Is there any particular reason why you're able to give
16 that as a time?
17 MRS FERGUSON: At the time she had eaten her dinner and -- I
18 don't know what makes it stick in my mind, but it was
19 round 6.30. It was a good few hours after she had come
20 home from school anyway.
21 Q. You described her as going a bit grey in the face?
22 MRS FERGUSON: Yes, her face went a grey colour.
23 Q. Had you ever seen anything like that before with her?
24 MRS FERGUSON: No, never.
25 Q. Is that what worried you?

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1 MRS FERGUSON: Yes, that's what worried me and that's why I
2 took her to the hospital then.
3 Q. And en route you picked up your husband?
4 MRS FERGUSON: Yes.
5 Q. Mr Ferguson, how did she seem to you when you saw her?
6 MR FERGUSON: At first, Marie phoned me at work and said
7 Raychel wasn't well, picked me up at 7 -- that's the
8 time I was finishing at -- and she came in. I looked at
9 her lying in the back of the car and she looked very
10 grey looking, very unwell, very sick, so I said, "Marie,
11 we'll take straight over to the hospital now".
12 Q. Okay. And I take it the hospital isn't very far from
13 where you were?
14 MR FERGUSON: 6 or 7 minutes.
15 Q. And then if we move to when you arrive at casualty.
16 I think you, Mr Ferguson, have described Raychel as
17 lying in the back seat? Was that how she literally was,
18 spread out?
19 MR FERGUSON: That's the way she was, lying in the back
20 seat, yes.
21 Q. Did she walk into A&E?
22 MR FERGUSON: I think I carried her in.
23 MRS FERGUSON: You carried Raychel and I done the filling-in
24 at the desk.
25 Q. And after you're in A&E, do you remember how she came to

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1 been Dr Makar.
2 Q. Do you remember Raychel receiving her injection?
3 MR FERGUSON: I can remember the doctor giving an injection,
4 but I wasn't paying any heed what doctor it was; I was
5 more interested in Raychel's well-being.
6 Q. Were you told, Mr Ferguson, what that injection was for?
7 MR FERGUSON: Pain relief.
8 Q. Pain relief?
9 MR FERGUSON: Pain relief. We just said, "She's in a bit of
10 pain and she's very grey in the face". It was just the
11 colour of Raychel that was worrying us, because she
12 wasn't doubled up in pain.
13 THE CHAIRMAN: Was she talking at all?
14 MR FERGUSON: She was still chatting away, yes.
15 THE CHAIRMAN: Right.
16 MS ANYADIKE-DANES: So it wasn't the way the pain affected
17 her in terms of being doubled up and holding her sides,
18 it was her colour that worried you?
19 MR FERGUSON: It was her colour, yes.
20 Q. Can you remember how long after that injection was given
21 to her that Mr Makar came?
22 MRS FERGUSON: I would say it would have been about -- it
23 was fairly quick.
24 Q. And by the time Mr Makar came, can you remember, either
25 of you, how Raychel was?

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1 be examined, do you remember the doctor?
2 MR FERGUSON: I remember the doctor coming in and examining
3 her and he went back out and came back and give her a
4 painkiller injection.
5 Q. Just before we get to that exactly, what were you told
6 once he had examined her?
7 THE CHAIRMAN: Do you remember? I think it's important to
8 say that there are some things that you'll remember very
9 well and some things that I presume are a bit vague. So
10 what we're asking you to do today is remember as best
11 you can. Okay?
12 MRS FERGUSON: Yes. After the doctor had examined Raychel,
13 we were told that they would be keeping her in. She
14 might -- it could be her appendix and that she might
15 have to go for an operation to have her appendix
16 removed, but it wouldn't be until the early hours of the
17 morning. He said, "You're talking maybe 3 or 4 in the
18 morning".
19 MS ANYADIKE-DANES: Let's pause there, Mrs Ferguson. There
20 are two doctors who saw Raychel at that stage. One is
21 a Dr Kelly -- and you were here when he gave his
22 evidence -- who's the doctor at the A&E, and he's the
23 doctor who gave her the injection. Do you remember that
24 happening? It's all right if you don't.
25 MRS FERGUSON: I only remember the one doctor, it would have

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1 MRS FERGUSON: Raychel was back to herself then because
2 I remember saying to Ray, "That wee madam must have been
3 taken a hand out of us two", because she was literally
4 back to herself.
5 Q. Does that include the colour that had concerned you?
6 MRS FERGUSON: Yes.
7 MR FERGUSON: Yes.
8 Q. So then you remember, Mrs Ferguson, Mr Makar examining
9 her?
10 MRS FERGUSON: Yes.
11 Q. When Mr Makar was examining her, do you remember any
12 complaints about pain at that stage? I don't mean the
13 pain that she had been in that caused you to bring her
14 to the hospital; I mean at that stage.
15 MRS FERGUSON: No, Raychel wasn't in pain at that stage.
16 Q. Do you remember him actually physically examining her?
17 Do you have that recollection?
18 MRS FERGUSON: I remember him feeling round her, just below
19 her belly button because that's where Raychel was
20 complaining in the house and that was what I explained
21 to Dr Makar. So I remember that's where he was feeling
22 around.
23 Q. But do you remember any response from her in relation to
24 any questions or any examination about pain?
25 MRS FERGUSON: No.

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1 Q. Then can you help us as best as you can with what was
2 said about the need for an operation? Where I'm coming
3 to is this provision of a consent form. In due course,
4 Mrs Ferguson, you signed a consent form.
5 MRS FERGUSON: Yes.
6 Q. What I want you to help us with is what you understood
7 was happening and why therefore you were being asked to
8 sign a consent form. Can you help with us that?
9 MRS FERGUSON: The reason I signed a consent form was
10 because Dr Makar had said in case she needs an
11 operation, but it won't be until the early hours of the
12 morning. That's all that was explained and he gave me
13 the piece of paper and I signed it.
14 Q. Mr Ferguson, do you have a recollection?
15 MR FERGUSON: Yes, I can remember him coming in with the
16 thing and saying Raychel will only be operated in an
17 emergency. That's the reason why you sign this form, in
18 case her appendix had burst or something like that
19 happened. So we agreed with it and only -- only if she
20 was in pain. And it wouldn't happen until the early
21 hours of the morning, 2 or 3 in the morning because
22 she'd just had a full meal.
23 Q. If we approach it this way -- and correct me if I'm
24 incorrectly interpreting you -- you thought if she
25 deteriorated or the pain came back in any way or she got

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1 MR FERGUSON: Yes.
2 MRS FERGUSON: That's right.
3 Q. As the chairman has put to you, I'm quite sure that over
4 this period of time from 7 to 10th, there will be some
5 things which you are quite clear about and other things
6 you're not clear about. Can you help us with how clear
7 a recollection this is?
8 MRS FERGUSON: 100 per cent.
9 Q. You were here both days when Mr Makar gave his evidence.
10 Can you recollect what he told you about the risks of
11 the surgery itself?
12 MRS FERGUSON: I don't remember any risks and I heard
13 Mr Makar talking about one in every 300 or --
14 Q. 3,000.
15 MRS FERGUSON: That was the first time I ever heard that.
16 He never talked like that to us.
17 Q. Leaving aside whether he ever gave you a numerical risk
18 factor, did he nonetheless explain to you that there are
19 risks in surgery?
20 MR FERGUSON: He did say that. I remember he did say that.
21 He did say there are risks in every surgery. That's all
22 he did say.
23 Q. Your evidence is you don't recollect him saying what the
24 mortality rate is, if I can put it that way, but he did
25 say about risks. In fairness to Mr Makar, his

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1 worse, then she would have to have an operation?
2 MR FERGUSON: Yes.
3 Q. But that operation was unlikely to be before the early
4 hours of the morning --
5 MRS FERGUSON: Yes.
6 Q. -- because she had had her dinner and that would be the
7 earliest they could do that; is that what you
8 understood?
9 MRS FERGUSON: Yes, and only if she was in pain.
10 Q. So it was a precaution effectively?
11 MRS FERGUSON: Yes.
12 Q. When you left --
13 MR FERGUSON: He did say, "If we did open her up and the
14 appendix is all right, we still take them out".
15 THE CHAIRMAN: He did say that?
16 MR FERGUSON: Yes.
17 MS ANYADIKE-DANES: So if it was thought that she had
18 deteriorated or the pain had come back and they started
19 the operation, if they saw that the appendix was all
20 right, they would still go on and remove it; that's what
21 you understood?
22 MR FERGUSON: Yes.
23 Q. But the starting of the operation would be, so far as
24 you understood it, dependent on the pain coming back or,
25 in some other way, her deteriorating?

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1 evidence -- because obviously you were here when we
2 asked him about this area -- was that he said he
3 wouldn't take a consent as a back-up, if I can put it
4 that way; if he was taking consent, he was taking
5 a consent because, in his view, not then, but later on,
6 when a place became available and when sufficient time
7 had passed from her last meal, there would be an
8 operation. He had that fairly firmly in his mind that
9 Raychel required surgery.
10 MRS FERGUSON: That's not what he told us.
11 MR FERGUSON: We don't recall, anyway.
12 MS ANYADIKE-DANES: Mr Chairman, not to pull it up, but the
13 reference for that, that's his evidence on 6 February at
14 page 152. If that's what he thought, that's not what
15 you understood?
16 MRS FERGUSON: That's correct.
17 MS ANYADIKE-DANES: Thank you. Mrs Ferguson, in your
18 witness statement to the inquiry you say that -- and the
19 reference is witness statement 020/1, page 4 -- you did
20 ask when the surgery would be, when the operation would
21 be and you say that you were told it would be 3 or 4, or
22 some time like that in the early hours of the morning.
23 MRS FERGUSON: That's right.
24 Q. Do you remember that quite well?
25 MRS FERGUSON: Yes, quite plain.

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1 Q. Was there any explanation to you that, for various
2 reasons, they would try and get the surgery done before
3 midnight?
4 MRS FERGUSON: Oh, when we got the phone call at the house,
5 I remember Ray saying to me --
6 THE CHAIRMAN: Sorry, let's just go back a little bit.
7 Raychel's been seen by Mr Makar, she's had the
8 injection to relieve the pain, and he has spoken to you
9 and you have signed the consent form. At that point or
10 before that is Raychel up on the ward or did you go up
11 with her on the ward?
12 MRS FERGUSON: We went up to the ward with her then.
13 THE CHAIRMAN: Did you stay for a while?
14 MRS FERGUSON: We stayed for 10, 15 minutes because we knew
15 she was getting kept in. That's when we went home, to
16 gather up --
17 THE CHAIRMAN: Just in rough terms, roughly when might
18 you have gone home, do you think? Is it 8 o'clock,
19 9 o'clock, 10 o'clock?
20 MRS FERGUSON: It would have been around 10, more 10-ish,
21 I would say.
22 THE CHAIRMAN: You say the reason you went home at 10
23 is that you understood there may not be an operation
24 and, even if there was to be an operation, it wouldn't
25 be until about 2 or 3 in the morning?

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1 if you had to describe how she seemed to you in terms of
2 how she normally seemed, can you help us with that?
3 MRS FERGUSON: Back to her normal self, chatting away.
4 Q. Did you discuss that at all with any nurse on the ward?
5 MRS FERGUSON: No.
6 Q. Did you mention to the doctor, Mr Makar, that as far as
7 you're concerned, having got that injection, she
8 actually seemed fine to you now?
9 MRS FERGUSON: We didn't see Dr Makar then until the
10 theatre.
11 Q. Sorry, when he was still with you, did you mention that?
12 When you were still at A&E and Mr Makar was there, she
13 was fine as far as you can recollect at that stage. Did
14 you mention that to her that she's actually back to her
15 normal self?
16 MRS FERGUSON: We said to her, "When we came in, Raychel was
17 grey, but now she's back to her normal self now". And
18 I'm sure he noticed himself Raychel talking to us.
19 Q. Okay.
20 MRS FERGUSON: I don't know what he might have been told
21 before he came to see Raychel, but --
22 MR FERGUSON: I think we said, "Her colour's back again, she
23 looks fine".
24 Q. Sorry?
25 MR FERGUSON: I think we said, "Her colour's back".

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1 MRS FERGUSON: Yes.
2 MS ANYADIKE-DANES: And just picking up on what the chairman
3 was asking you there, that discussion as to when it was
4 likely to be, if there was going to be one, is that
5 something that's all part and parcel of Mr Makar being
6 with you there at A&E?
7 MRS FERGUSON: Yes.
8 Q. So I was going to take you on from there. You signed
9 the consent and then does he leave then after that?
10 MRS FERGUSON: Yes, he left then.
11 Q. And at that stage is Raychel on a drip at that stage in
12 your recollection?
13 MRS FERGUSON: No, not in casualty.
14 Q. Then you go up to the ward with her.
15 MRS FERGUSON: Yes.
16 Q. Is she then settled into bed?
17 MRS FERGUSON: Yes.
18 Q. All that time, how has she been?
19 MRS FERGUSON: She was chatting way. I said to her, "You
20 have to stay in. We have to go home and get you a few
21 things". She said, "I am not staying in here". I was
22 telling her: you'll be getting wee gifts and all. I was
23 trying to sort of persuade her more than anything, so
24 that's when me and Ray left then to go.
25 Q. So she's settled in bed, so far as you're concerned, and

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1 Q. So as far as you were concerned, you were expressing the
2 view that she looked fine to you?
3 MRS FERGUSON: Yes.
4 Q. So then she's settled on the ward and you go home?
5 MRS FERGUSON: Yes.
6 Q. And then you receive a telephone call and who picks that
7 up?
8 MR FERGUSON: I think it was me.
9 Q. Can you recollect what you are told?
10 THE CHAIRMAN: Sorry, just before you go to that, where
11 would the phone ring? In your home, where would the
12 phone have rung? Do you have a two-storey house?
13 MR FERGUSON: Yes.
14 THE CHAIRMAN: Is there a phone upstairs in the bedroom?
15 MR FERGUSON: Not at the time. The phone was downstairs in
16 the hallway.
17 THE CHAIRMAN: And you heard that, when that call came
18 through, were you already in bed?
19 MRS FERGUSON: No, no.
20 THE CHAIRMAN: Okay.
21 MS ANYADIKE-DANES: Did you have a mobile, either of you, at
22 that time?
23 MRS FERGUSON: We possibly did have.
24 Q. Can you recall whether it would be the home number you'd
25 have left for the hospital?

24

1 MRS FERGUSON: Yes.
2 MR FERGUSON: Yes.
3 Q. So that number that the chairman has just said that
4 would ring downstairs is the number that the hospital
5 would have?
6 MR FERGUSON: Yes.
7 Q. You think you might have picked up that call,
8 Mr Ferguson.
9 MR FERGUSON: Yes.
10 Q. Can you recollect what you were told?
11 MR FERGUSON: They were taking Raychel to theatre and
12 could we come back over again.
13 Q. And what was your response to that?
14 MR FERGUSON: I just can't recall my response at the time.
15 Q. Mrs Ferguson?
16 MRS FERGUSON: Mine was -- because we were told she wasn't
17 getting taken down until 2 or 3 in the morning,
18 I thought that a slot had become available, so I said to
19 Ray, "I think they're only taking her down because they
20 don't want to hang about until the early hours of the
21 morning."
22 Q. So you go back to the hospital. Where is she when you
23 get there?
24 MRS FERGUSON: Still up on the ward.
25 Q. And can you recall if she's on a drip then?

25

1 would probably be the nurse that took Raychel to theatre
2 and Staff Nurse McGrath was the theatre nurse.
3 Staff Nurse Bryce, in her evidence on 4 March at
4 page 152 at line 18, described Raychel as being a bit
5 nervous as she took her down to theatre.
6 MRS FERGUSON: I can't say that because Raychel was chatting
7 away to her about her sports day and I told her that she
8 had won a medal. That was like -- they were both having
9 a conversation and I was more or less walking along.
10 THE CHAIRMAN: Of course, it would be perfectly natural for
11 a 9-year-old girl to be a bit nervous if she's being
12 wheeled down to theatre late at night, wouldn't it?
13 MRS FERGUSON: Yes. Maybe that's why she was telling the
14 nurse about her sports day, chatting away, to relieve
15 her.
16 MS ANYADIKE-DANES: Staff Nurse McGrath, on 26 February,
17 page 32, line 23 -- and there's also another reference
18 at page 33 -- she describes Raychel when she first saw
19 her coming into theatre as being quiet and that Raychel
20 said her tummy was sore when she was asked. You were
21 with her until she was anaesthetised; is that right?
22 MRS FERGUSON: That's right.
23 Q. Do you recollect that?
24 MRS FERGUSON: I don't recall that at all, but I think at
25 that stage there was a few people in the theatre.

27

1 MRS FERGUSON: I can't recall.
2 Q. Well, by this time has anybody told you anything about
3 Raychel going on a drip?
4 MRS FERGUSON: No.
5 MR FERGUSON: No.
6 Q. And when you come and she's on the ward and you see her,
7 how does she seem to you?
8 MRS FERGUSON: Herself, she was chatting away.
9 MR FERGUSON: Back to her old self.
10 Q. What's your response in those circumstances about her
11 having the surgery?
12 MRS FERGUSON: Raychel having the surgery?
13 Q. Yes.
14 MRS FERGUSON: I was a bit shocked because I thought they
15 said they'll only be taking her down if she's in pain.
16 But because it was a hospital, we thought they know
17 best, so we just went with it.
18 Q. Did you ask anybody about why she is having it that you
19 can remember?
20 MRS FERGUSON: No. To be honest, I don't remember.
21 I remember whenever she was getting moved down, she was
22 chatting away to the nurse, talking about her sports day
23 that day.
24 Q. Staff Nurse Bryce and Staff Nurse McGrath have both been
25 asked about how Raychel appeared. Staff Nurse Bryce

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1 I don't know who was who, but there were a few people
2 there and I remember somebody saying what they were
3 going to do.
4 Q. So she might have been a bit quiet in those
5 circumstances?
6 MRS FERGUSON: Yes.
7 Q. When Mr Makar gave evidence the second time, I asked him
8 a question about whether he would have been prepared to
9 reconsider his decision for surgery if Raychel appeared
10 to be very much improved, and his view is: of course,
11 you would always reconsider a decision like that and, in
12 fact, the last opportunity to do that is obviously in
13 theatre. Can you remember whether Raychel was already
14 anaesthetised by the time Mr Makar got there?
15 MRS FERGUSON: I couldn't say for definite. I just remember
16 them explaining something about a mask. I think that
17 was to knock her out, but to be honest, I don't remember
18 Dr Makar, but I think Dr Makar should have told us that
19 at the time.
20 Q. That was going to be my next question. Did anybody tell
21 you that if, so far as you were concerned, Raychel was
22 back to herself, they might wait to see whether her
23 symptoms developed overnight?
24 MRS FERGUSON: No, we weren't told that at all and I wish
25 they had told us, but it never happened.

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1 Q. And then you had the view that Raychel would only be
2 about an hour, I think that was your --
3 MRS FERGUSON: That's what we were told.
4 Q. Can you help us with who told you that? Do you know the
5 nurse who told you that?
6 MRS FERGUSON: That was the nurse who took Raychel down to
7 theatre. Nurse Bryce I think you said.
8 Q. Staff Nurse Bryce. Could it be that what she was trying
9 to say is that the operation itself would take about
10 an hour as opposed to Raychel would be back with you in
11 about an hour?
12 MRS FERGUSON: She said to us, "Go and get a cup of tea.
13 It's half 11 now, Raychel should be back on the ward by
14 half 12".
15 Q. She actually gave you about a time?
16 MRS FERGUSON: Yes, she said an hour, half 12.
17 Q. In that part of Staff Nurse Bryce's evidence, she was
18 pressed about that and her response was that it would be
19 very unlikely that she would say something like that.
20 We don't need to pull it up, but it's on 4 March,
21 page 153, line 20 where she refers to that as being
22 a very unlikely statement that she would make. Is that
23 recollection one that is clear for you?
24 MRS FERGUSON: That's quite clear. I've heard Nurse Bryce
25 and I heard her saying maybe we picked her up wrong, but

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1 brought back to you and when she does come back, are you
2 waiting for her on the ward?
3 MRS FERGUSON: Yes.
4 MR FERGUSON: Yes, we're sitting waiting.
5 Q. And when she does come back on the ward, how does she
6 seem to you?
7 MR FERGUSON: Very sleepy.
8 Q. Did she recognise you, did she open her eyes to you at
9 all?
10 MRS FERGUSON: Yes, she opened her eyes, but she just closed
11 them again as quick as she --
12 MR FERGUSON: Yes.
13 Q. But her colour and everything seemed all right so far as
14 you were concerned?
15 MRS FERGUSON: Yes.
16 Q. And how long do you both stay?
17 MRS FERGUSON: We didn't have much choice. We both wanted
18 to stay, but we were told quite clearly by Nurse Noble
19 that only one will be staying, so decide between
20 yourselves.
21 Q. Were you led to believe that that was a sort of ward
22 policy?
23 MRS FERGUSON: Yes, only one could stay.
24 Q. Did you ask why?
25 MRS FERGUSON: Didn't ask why, me and Ray just had a debate

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1 why would we have gone back up to the ward at 12.30 if
2 she hadn't have said that? She said an hour, half 12,
3 so we made sure we were back on the ward for maybe
4 12.20, well before the half 12.
5 Q. When that didn't happen, did you go and find a nurse to
6 ask why she was being delayed?
7 MRS FERGUSON: Well, I would say it was nearer 1 maybe
8 whenever Ray had asked.
9 Q. You asked her, Mr Ferguson?
10 MR FERGUSON: I went and said what was keeping her. They
11 said the theatre ring us when she's ready. I think
12 I went out a second time and I'm not sure -- one of the
13 nurses rang down then to see what was keeping her.
14 I don't recall which nurse it was.
15 Q. You think a nurse went to enquire for you?
16 MR FERGUSON: Yes, we enquired twice to see what was keeping
17 Raychel, you see. As far as I recall, anyway,
18 I remember asking twice about Raychel.
19 Q. And were you told why it was being a little longer than
20 you believed she was going to be?
21 MR FERGUSON: The first time she said, "They usually ring
22 when she's ready to come back up again", and the second
23 time she said, "I'll ring down". I can't recall what
24 they said the second time.
25 Q. And so what happens next is that she ultimately is

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1 about who was going to stay.
2 Q. In any event, that's a very clear view that you got?
3 MR FERGUSON: Yes.
4 Q. So Mr Ferguson, you stay and Mrs Ferguson, you go back
5 home.
6 MRS FERGUSON: Yes, I left about 6.
7 Q. And by that time, she's still sleeping; is that right?
8 MRS FERGUSON: Yes.
9 Q. And you're in her room, Mr Ferguson, as she's there
10 sleeping, and does she appear to you to be sleeping
11 peacefully?
12 MR FERGUSON: Ah, much -- she was really out of it.
13 Q. Then Mr Ferguson, in your first statement for the
14 police, you say that you recollect her waking up about
15 8-ish in the morning.
16 MR FERGUSON: Yes.
17 Q. Mr Zafar, I think, has her out of bed by the time he
18 comes to see her. Do you remember him coming?
19 MR FERGUSON: That's where I made a mistake. I said it was
20 Makar. That's where I got mixed up with Makar and Zafar
21 coming. If he's the man with Sister Millar, he's the
22 man I seen.
23 Q. So you saw Mr Zafar?
24 MR FERGUSON: Yes, not Makar.
25 Q. And before Mr Zafar had come to see her, Raychel had

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1 been up; is that correct?
2 MR FERGUSON: Yes, she was, yes. He walked up the corridor
3 with me and she came back down again, she was pushing
4 the drip.
5 Q. How did she seem to you?
6 MR FERGUSON: Fine. She was in no pain whatsoever.
7 Q. And when Mr Makar came, can you recollect what he did?
8 MR FERGUSON: I don't remember Mr Makar.
9 Q. I beg your pardon. I'm doing it now. When Mr Zafar
10 came, can you recollect what he said or did?
11 MR FERGUSON: As far as I remember what he says, Raychel's
12 operation went really well, her appendix was mildly
13 inflamed, and that's all I can remember.
14 Q. So far as you can recollect, do you think you were there
15 the entire time he was with Raychel?
16 MR FERGUSON: Yes.
17 Q. Do you recollect him examining her?
18 MR FERGUSON: He may have done, but I don't recall.
19 Q. Did he say anything about what was going to happen
20 thereafter?
21 MR FERGUSON: No.
22 Q. Was anything said about the fact that she was on a drip?
23 MR FERGUSON: The only thing he mentioned was the mild
24 appendix. That's the only thing I remember.
25 THE CHAIRMAN: When he left, did you have any idea what was

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1 Q. Did you know who, as a doctor, was going to be
2 responsible for Raychel's care that day?
3 MR FERGUSON: No.
4 Q. Did you know that Mr Zafar was a surgeon?
5 MR FERGUSON: I thought it was Mr Makar.
6 Q. The person who saw her when you were there, did you know
7 that he was a surgeon?
8 MR FERGUSON: Well, I thought it was Mr Makar and I took it
9 he was the surgeon.
10 Q. Okay. And did you call your wife and tell her how
11 Raychel was that morning?
12 MR FERGUSON: I did phone her. It was around half 9
13 I phoned her. I explained: you'll not believe Raychel's
14 up and about with me up and down the corridor. I said
15 to her, "Don't be rushing over because she's fine; get
16 the boys sorted and you can come over later".
17 Q. You have now heard the evidence so you know in fact two
18 surgeons saw Raychel that morning: Mr Zafar saw her as
19 part of a ward round and then Mr Makar saw her, who was
20 the person who performed the surgery, to come and
21 satisfy himself that things are all right following the
22 surgery. Do you recall two different doctors, if I can
23 put it that way, seeing Raychel that morning?
24 MR FERGUSON: I just recall -- I think it's Mr Zafar and
25 Nurse Millar. That's the doctor I recall. I don't

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1 going to happen with Raychel or what was due to happen
2 for the rest of the day?
3 MR FERGUSON: No, nobody explained anything to us.
4 THE CHAIRMAN: After he had gone on, did any of the nurses
5 come back and tell you?
6 MR FERGUSON: No.
7 THE CHAIRMAN: So you didn't know at that time what you have
8 heard now that the plan was that the intravenous fluids
9 would be reduced and Raychel would be encouraged to
10 start sipping and then, later on in the day, eating?
11 MR FERGUSON: No, we didn't.
12 THE CHAIRMAN: Okay, thank you.
13 MS ANYADIKE-DANES: And I take it therefore you didn't know
14 what their plan was in terms of how, perhaps, she might
15 be discharged the next day?
16 MR FERGUSON: This is all new to us. The plan was -- well,
17 we knew she was ... We asked if she could have sips of
18 water. It was a wee sip of 7 Up she took.
19 Q. Did you know who her consultant was at that stage?
20 MR FERGUSON: At that stage, no.
21 THE CHAIRMAN: Can I ask you this: you now, I presume, have
22 now heard the difference between consultant and
23 registrar and SHO. Did you know what level Mr Zafar
24 was?
25 MR FERGUSON: No.

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1 recall the second doctor coming in.
2 THE CHAIRMAN: It seems on the evidence that they were there
3 very close together, if the evidence is right, because
4 they actually passed each other.
5 MR FERGUSON: That's what I heard, but I do not recall
6 a second doctor coming in.
7 MS ANYADIKE-DANES: Mr Makar in his witness statement for
8 the inquiry at 022/1, page 2, in answer to question 2,
9 he says that he actually spoke to you and he was the
10 person who told you -- well, he's not saying that
11 Mr Zafar didn't tell you that as well, but he told you
12 that Raychel's surgery had gone well. Is it possible
13 that you could have confused those two doctors and that
14 there were two doctors actually and you did see both of
15 them; is that possible?
16 MR FERGUSON: Only one doctor spoke to me.
17 THE CHAIRMAN: And that was the doctor who was with
18 Sister Millar?
19 MR FERGUSON: Yes.
20 THE CHAIRMAN: Okay. But it seems that the message would
21 have been the same from either doctor that the operation
22 had gone well because, by all accounts, it went fine.
23 MR FERGUSON: Yes.
24 MS ANYADIKE-DANES: Raychel is recorded as having vomited
25 early that morning, roughly about 8 o'clock, and it's

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1 one of the things, apparently, one of the first things
2 she tells her mother, Mrs Ferguson, when she visits.
3 You have said in evidence you don't actually remember
4 that.
5 MR FERGUSON: No.
6 Q. You have also said that you went out and got her from
7 the hospital shop, I think, a colouring book and
8 pencils.
9 MR FERGUSON: Yes, she had nothing with her and I said,
10 "Do you want a colouring book or anything else?", so
11 I ran to the shop and got her a book and pens and it was
12 a bottle of 7 Up I got her.
13 Q. If she had vomited then, she didn't tell you?
14 MR FERGUSON: She didn't tell me, no.
15 Q. And nobody else did?
16 MR FERGUSON: No.
17 Q. In fairness, I should also put to you -- I know that
18 you've given your evidence, but because there is
19 a difference between your evidence and others', so just
20 to put to you that Staff Nurse Millar has said that
21 Mr Makar came in to speak to you, that was one of the
22 main reasons, because he hadn't spoken to you, Raychel's
23 parents, after the surgery, so he wanted to do that, and
24 so that was one of the reasons for him coming. She says
25 that in the transcript of her evidence on 1 March at

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1 remember a second doctor coming and explaining anything
2 else to me. It was only the one doctor I spoke to.
3 THE CHAIRMAN: One interpretation, Mr Ferguson, is that this
4 is one of the things that you're not entirely clear
5 about. And it would be very strange if you were able to
6 remember everything that happened because, at that stage
7 of the day, you had no reason to think that things were
8 going to go wrong.
9 MR FERGUSON: Yes.
10 THE CHAIRMAN: So whatever a doctor might have said to you,
11 you might remember some detail about it, but you won't
12 remember every last detail because it wouldn't have
13 seemed at the time that you needed to.
14 MR FERGUSON: Well, it was only one doctor I spoke to. I do
15 recall just speaking to one doctor. As I say, the
16 doctor says to me, so far as I recall, the operation
17 went fine and she had a mildly-inflamed appendix.
18 That's all I recall. There was nothing explained to me
19 afterwards.
20 MS ANYADIKE-DANES: Mrs Ferguson, if we go on to when you
21 arrive, in your witness statement for the inquiry,
22 020/1, page 6, you're not entirely sure of the time you
23 get there, 9.30-ish, maybe 10 o'clock, maybe a little
24 bit earlier, but in any event in the morning. You said
25 in that statement that your memory is that Raychel was

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1 page 43 at lines 21 to 23. But that still doesn't help
2 you?
3 MR FERGUSON: There's only one doctor spoke to me and it was
4 that doctor and Mrs Millar. That's the only one person
5 who spoke to me.
6 Q. And you're quite sure that, irrespective of who it was,
7 nobody told you anything about the plan to gradually get
8 her up walking, taking fluids, and then moving on to
9 a light diet and then with a view to going home?
10 MR FERGUSON: No one explained that at all.
11 Q. I will just give you what Mr Makar says. I know there's
12 a difference of view who it is, but this at least is
13 information that it's being suggested you had, if I can
14 put it that way. It's Mr Makar's inquiry witness
15 statement at 022/2, page 7:
16 "I explained the exact finding during the operation
17 as per my operative notes and reassured him [that's you,
18 Mr Ferguson] that the operation had been straightforward
19 and that she would probably be able to go home by the
20 next morning if she mobilised freely and was able to
21 tolerate oral intake."
22 MR FERGUSON: All I can say, if he was along with Ms Millar,
23 he might have said that, but as far as I can recall the
24 doctor along with Ms Millar -- all the doctor said to me
25 was a mildly-inflamed appendix. That's all. I don't

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1 not in her bed when you arrived and that she was sitting
2 at a small table and chair colouring in. And:
3 "The moment I walked in, my husband said, 'There's
4 your mammy', and Raychel immediately got up, gave me a
5 big hug with both arms and said, 'Guess what, mummy?
6 I've been sick'."
7 MRS FERGUSON: Yes.
8 Q. How clear a recollection is that?
9 MRS FERGUSON: Pretty clear.
10 Q. Sorry?
11 MRS FERGUSON: Pretty clear.
12 Q. Thank you. Apart from the fact that she told you she'd
13 been sick, how did she seem to you?
14 MRS FERGUSON: She seemed fine. Just what Ray had told me
15 whenever he'd phoned. She was a little [inaudible]
16 getting into the bed and all.
17 Q. From that moment when you arrived, you then stay on
18 until about 3 o'clock, is that right, in the afternoon?
19 MRS FERGUSON: About 2.45, 2.50, because the boys would be
20 home about 3.10.
21 Q. So leaving aside times when you go to the toilet or get
22 a cup of tea or something to eat, am I right to say you
23 would be with Raychel, by her bedside, the whole time,
24 or at least with her the whole time?
25 MRS FERGUSON: Yes.

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1 THE CHAIRMAN: And Mr Ferguson, did you stay then when your
2 wife arrived?
3 MR FERGUSON: I stayed for a short while, then I went for
4 a wash, shave and a change of clothes.
5 MS ANYADIKE-DANES: I think we've been able to work out that
6 you stay until just a bit before 11 o'clock; is that
7 right?
8 MR FERGUSON: Yes.
9 Q. And then you come back later on?
10 MR FERGUSON: Yes.
11 Q. And we'll deal with that in due course. In any event,
12 the two of you are with her for, let's say, a reasonable
13 period of time in the morning. You overlap.
14 MRS FERGUSON: Yes.
15 Q. And would I be right that the two of you have formed the
16 view that she seemed fine at that stage?
17 MRS FERGUSON: Yes, she was fine at that stage.
18 Q. Then Mrs Ferguson, I wonder if you can help us now with
19 your recollection of vomiting, if I can put it that way?
20 Can you remember the first time that you were aware that
21 Raychel had had a vomit?
22 MRS FERGUSON: It was whenever she had it with me, around
23 11. It was more like --
24 Q. I think it's roughly about -- one is recorded at about
25 10 o'clock, leaving aside the one that's recorded for

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1 Did that one trouble you that she had done that?
2 MRS FERGUSON: No, that one didn't because I didn't know
3 about the other two, like, until we came here.
4 Q. The vomit that you saw at 12 noon, did that concern you?
5 MRS FERGUSON: Yes.
6 Q. Why did that concern you?
7 MRS FERGUSON: My first thought at that time was: God,
8 Raychel must have been operated on on a full stomach.
9 I always thought that can't happen, that you can be
10 operated on on a full stomach, and that was my first
11 thought because the whole dinner came up in the sink.
12 Q. When you said "can't be operated on on a full stomach",
13 are you referring back to what you were told about how
14 long they would have to wait before they carried out the
15 surgery, which is when you were thinking it was going to
16 be in early hours of the morning, if she had it at all?
17 MRS FERGUSON: Yes. My first thought was they must have
18 just went ahead and her stomach wasn't empty.
19 Q. How did Raychel get to the toilet to vomit in that way?
20 Did she tell you she wanted to go to the toilet or did
21 she tell you she wasn't feeling very well?
22 MRS FERGUSON: She said she had to go to the toilet, so she
23 passed urine and her bowels had moved in the toilet.
24 Q. Did you walk with her or help her get there?
25 MRS FERGUSON: I carried Raychel at one stage. I don't know

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1 8 o'clock. And that's recorded on -- I'm sure you have
2 seen it now, although I doubt you saw it at the time --
3 the fluid balance sheet. And that's recorded as a large
4 vomit. Do you remember that one?
5 MRS FERGUSON: No.
6 Q. You, in your evidence for the coroner in your
7 deposition, say that:
8 "At about 12 noon, I took Raychel to the toilet and,
9 as I was about to leave the toilet, she began to vomit,
10 which was large in volume."
11 And you go on to say that she was bright red, she
12 came out in a cold sweat and you told the nurse about
13 that. Is that the first one you remember?
14 MRS FERGUSON: I can remember that one quite clearly, but
15 there was one in statement I said around 11-ish, but
16 that was just like phlegmy stuff, you know.
17 Q. You did refer to that. You say in your witness
18 statement 020, page 8:
19 "I now recall that even before the 12 noon vomit,
20 that at around 11 am Raychel vomited then as well. I
21 think this was just a small vomit, but I cleaned this
22 with a tissue and it was more like slime."
23 And then you go on to say:
24 "My memory is that my husband did mention the slime
25 vomit to the nurses on the ward when he was leaving."

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1 if it was to the toilet and back out of the toilet.
2 Q. And why was that, Mrs Ferguson? Because the way you and
3 Mr Ferguson have described her in the morning she
4 seemed, essentially, herself. So why were you carrying
5 her?
6 MRS FERGUSON: Because after she did the large vomit, she
7 was -- her face was bright red and she was in a cold
8 sweat, so I just thought that she was sick, so I decided
9 to carry her.
10 Q. Sorry, I misunderstood what you meant. The carry was
11 after she had had the vomit?
12 MRS FERGUSON: I'm sure it was after she'd had the vomit.
13 Q. And did you get any help from the nurses or tell the
14 nurses about what had happened?
15 MRS FERGUSON: Yes, I remember saying to the nurse that
16 Raychel had thrown up her dinner, the rice. I was told
17 that it was just normal, natural after an operation.
18 Q. And did the nurse mention anything to you about the fact
19 that your husband had mentioned a previous vomit and the
20 fact that there'd been a vomit at 8 o'clock?
21 MRS FERGUSON: No, nothing like that was mentioned.
22 Q. Did she lead you to suppose that Raychel might actually
23 vomit a little bit more and all of that would be nothing
24 to really worry about?
25 MRS FERGUSON: All she said was that it was normal after an

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1 operation to vomit, so ...
2 Q. It's just been noted that in your inquiry witness
3 statement at 020/1, page 8, your view then was that you
4 carried Raychel to the toilet as opposed to carrying her
5 from the toilet. Is the carrying business clear to you?
6 MRS FERGUSON: Yes. But if it was before or after, I'm not
7 100 per cent, but I remember carrying her.
8 Q. You remember carrying her, but you're not so clear at
9 which point it happened?
10 MRS FERGUSON: Yes.
11 THE CHAIRMAN: It's more likely after, isn't it?
12 MRS FERGUSON: That's why I'm thinking, yes.
13 THE CHAIRMAN: Let's just pause at midday or some time
14 around midday. The hospital has recorded a vomit at
15 some time around 8-ish --
16 MRS FERGUSON: Yes.
17 THE CHAIRMAN: -- that you weren't aware of, Mr Ferguson,
18 for the reason you've explained. They have also
19 recorded one at around 10-ish that neither of you were
20 aware of, despite the fact that you were both around.
21 MR FERGUSON: She may have just come after 10. I could have
22 been out at the toilet at the time. I don't recall the
23 later one or the 10 o'clock one.
24 THE CHAIRMAN: The hospital records aren't absolutely
25 precise, they don't say the vomit was at 10.05 or 9.50

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1 sick or if she had passed urine. We were never told
2 that we had to report the urine or the vomit.
3 Q. By the time you get back on the ward, Mrs Ferguson,
4 Mr Zafar's plan for Raychel is that she would be
5 gradually introduced, through small sips, to taking
6 liquids orally. And he would have been saying that --
7 it's difficult to be precise about it because it's not
8 timed, but at maybe 8.30 or 9 o'clock, something of that
9 sort. Did anybody mention to you that you might
10 encourage her to take small sips, at this stage, of
11 fluid?
12 MRS FERGUSON: No, not at all. We would have been just
13 using our own initiative. If she needs a drink, then
14 we'll give her a drink.
15 MR FERGUSON: I do recall we asked the nurse, "Is it all
16 right for us to give Raychel a sip of water?", but it
17 was actually a sip of 7 Up we gave her. I do recall
18 asking that of one of the nurses.
19 THE CHAIRMAN: And that was okay, go ahead?
20 MR FERGUSON: Yes, that was okay -- no, I think she went out
21 first and came back and said it was okay.
22 THE CHAIRMAN: Was that before you left at 11-ish? So that
23 would have been at some point --
24 MR FERGUSON: I think you're right.
25 THE CHAIRMAN: So some time earlier in the morning?

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1 or something. There's one at about 11 that you remember
2 that you think your husband mentioned on the way out as
3 he was leaving and then there's one that you do -- the
4 full stomach one about midday.
5 MRS FERGUSON: Yes.
6 THE CHAIRMAN: Okay.
7 MS ANYADIKE-DANES: When you take her to the toilet about
8 noon, I think you said that she did pass urine, did
9 she --
10 MRS FERGUSON: Yes.
11 Q. -- and her bowels moved as well and she was sick?
12 MRS FERGUSON: Yes.
13 Q. Did you know whether or not she had passed urine before?
14 MRS FERGUSON: No, I didn't know that.
15 Q. She's recorded as having passed urine at about
16 10 o'clock.
17 MRS FERGUSON: Yes, in the notes, but that was my first
18 recollection of Raychel going to the toilet.
19 Q. When you came back on to the ward, Mrs Ferguson, did the
20 nurses have any sort of discussion with you about the
21 sort of things that you should be looking out for with
22 Raychel, the significance of anything?
23 MRS FERGUSON: We were told nothing. We have learned that
24 this week -- I don't know if they'd said what they would
25 have said, but nobody told us to tell them if she was

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1 MR FERGUSON: Round about just before I left.
2 THE CHAIRMAN: I know these times aren't precise -- and
3 don't worry too much about pinning down every last
4 detail -- but to the best that you can recall, if that's
5 what happened, did you then give Raychel some 7 Up at
6 that time?
7 MRS FERGUSON: I think it was after -- what sticks in my
8 mind is the two of us were there whenever we gave her
9 the capful of 7 Up, so it had to be when Ray came back
10 at 1.
11 MR FERGUSON: It could have been before I left too --
12 MRS FERGUSON: It could have been before you left too. We
13 were both there at that time.
14 MR FERGUSON: -- it was only the one sip she got.
15 MS ANYADIKE-DANES: In fact, Mr Ferguson, you did address
16 that very point in the witness statement you gave to the
17 inquiry. The reference for it is 021/1, page 7. You
18 say:
19 "I recall that myself and my wife noticed Raychel's
20 lips looked dry. We asked one of the nurses if we could
21 give her something to drink and we gave Raychel a capful
22 of 7 Up on the instructions of the nurse. A couple of
23 minutes later, Raychel threw this up."
24 Do you remember when that was? It's all right if
25 you don't.

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1 MRS FERGUSON: Not precisely, no.
2 MR FERGUSON: No.
3 Q. In any event, that was you noticing that she looked to
4 you as if she might benefit from something to drink and
5 you asked that, and at that time nobody had suggested to
6 you that that's something that you might be doing?
7 MR FERGUSON: No.
8 Q. And I take it you didn't actually see a nurse attempt to
9 give Raychel any fluids by mouth --
10 MRS FERGUSON: No.
11 Q. -- at that stage?
12 MRS FERGUSON: No.
13 Q. If you can benchmark it, from when you took her to the
14 loo and she was sick, around about noon-ish, does a time
15 come when she doesn't seem to you to be as well as she
16 did in the morning, Mrs Ferguson?
17 MRS FERGUSON: My recollection is after that large vomit at
18 12, she started to quieten down, she was starting not to
19 be the way she was that morning.
20 Q. Does that mean she was less talkative?
21 MRS FERGUSON: Yes, she was less talkative.
22 Q. Previously she had been colouring-in in the book her
23 father brought her. Did you see her doing that after
24 the time she had been sick?
25 MRS FERGUSON: No. I remember there was a wee girl in the

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1 to check her drip and observe her?
2 MRS FERGUSON: I don't recall that. I do recall Mrs Duffy,
3 the woman that was in the next bed -- I remember her
4 saying to me that Raychel was more sick than her wee
5 girl was, but her girl got all the attention and Raychel
6 got none. I don't recall nurses in and out.
7 THE CHAIRMAN: You know the evidence that we've heard, which
8 is that almost exactly on the hour a beeper or an alarm
9 would go, which meant that the fluid had run through and
10 it would have to be reset for the next hour's fluid to
11 run through.
12 MR FERGUSON: Could I say something about that, please? At
13 night I know I was worried when the alarm kept going
14 off, but I listened to the evidence and understand why
15 the alarm went off then. At 7 o'clock, 7.30, no alarm
16 went off after that, because me and Raychel walked up
17 the corridor, she was pushing the drip and she had no
18 alarm on that drip, it was just a bag hanging from
19 a rail.
20 THE CHAIRMAN: You're talking about the Friday morning?
21 MR FERGUSON: After the operation.
22 THE CHAIRMAN: So do I understand it then that your best
23 recollection is that there was an alarm on it during the
24 night, but that during the day there wasn't an alarm so
25 nurses weren't coming backwards and forwards?

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1 next bed there and she tried to be friends with her --
2 I don't know if it was a book or something she was
3 offering her -- but Raychel never took her on, so I just
4 said to the wee girl, "Thanks", but Raychel wasn't
5 interested.
6 THE CHAIRMAN: Was she out of bed the way she had been when
7 you arrived, sitting in the chair at the table?
8 MRS FERGUSON: My recollection is that Raychel wasn't out of
9 bed after that 12. Apart from me taking her to the
10 toilet, she never left the bed the rest of the day.
11 MS ANYADIKE-DANES: As far as you're concerned?
12 MRS FERGUSON: Yes, I was there.
13 Q. That reference to a little girl -- it's in your inquiry
14 witness statement, Mrs Ferguson, at 020/1, page 8 -- you
15 go on to say that:
16 "A little girl in the next bed did try to befriend
17 Raychel, but she was not successful. She offered
18 Raychel a book to see. Raychel didn't acknowledge the
19 girl, but it seemed to me she was in a bit of a daze, so
20 I said to the little girl, 'Thank you', but Raychel
21 remained quiet and still."
22 Was there any discussion between you and the nurses
23 about Raychel at this stage?
24 MRS FERGUSON: No.
25 Q. Were you aware of the nurses coming in from time to time

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1 MR FERGUSON: There was an alarm on at night because it
2 actually startled me. I was kind of worried because
3 they come in, done something to the machine and back
4 out, never says nothing, just came on the hour every
5 hour, but that was only up to 7 o'clock, 8 o'clock. But
6 once Raychel walked up the corridor with me, she had the
7 drip on and there was no alarm for the rest of the day
8 and they weren't done every hour.
9 MS ANYADIKE-DANES: So in other words, as she walked up with
10 you, as she got in and out of bed, there was no alarm
11 going off at that stage?
12 MR FERGUSON: She had the rail and the drip -- just a bag on
13 the rail. There was no alarm.
14 THE CHAIRMAN: And do you recall that during the day,
15 Mrs Ferguson?
16 MRS FERGUSON: I don't recall any alarm going off at all.
17 There was no beeper.
18 MS ANYADIKE-DANES: Were you aware, Mrs Ferguson, of
19 Dr Butler coming in and changing her bag of fluid?
20 MRS FERGUSON: No. I just remember -- I can always remember
21 one doctor coming in with a nurse. That was the
22 5 o'clock.
23 Q. Yes, okay. Well, the bag would have to be changed as
24 there wouldn't be enough in it to last as long as that,
25 but you just don't remember that event?

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1 MRS FERGUSON: No, I don't.
2 Q. Did anyone tell you about the IV fluids or what she was
3 on or why she was on them?
4 MRS FERGUSON: The fluids were never mentioned, never.
5 Q. Can you remember the first time you expressed any
6 concern about Raychel's manner, let's call it that,
7 demeanour, to a nurse?
8 MRS FERGUSON: I remember saying to the nurse after she had
9 the vomit at 12 that Raychel was sick and she said it was
10 just natural, but I would say it would have been --
11 every time Raychel was sick, the nurses were aware, but
12 I think it was whenever we came back, you know, around a
13 quarter to four, that Raychel was just, as I explained,
14 zombie-like then, or whenever.
15 Q. We'll come to that. Were you aware of whether they left
16 bowls for Raychel to be sick in by the side of her bed,
17 those cardboard kidney-shaped things?
18 MRS FERGUSON: I think they were left in about 1 o'clock.
19 There was one of the times when Mrs Duffy went out and
20 she brought in one.
21 Q. That was a lady who had a child in the bed in that same
22 ward?
23 MRS FERGUSON: Yes.
24 Q. And did Raychel actually vomit into those bowls?
25 MRS FERGUSON: Yes.

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1 natural". There could have been more, but that's the
2 ones I do remember.
3 THE CHAIRMAN: Just to get it clear: were these bowls that,
4 when you came back at about 1 o'clock, Raychel had been
5 sick when you were away and you took them out or were
6 you there when Raychel was sick these three times?
7 MR FERGUSON: I was there when Raychel was sick three times.
8 It could have been more times, but those are the ones I
9 do remember.
10 THE CHAIRMAN: Right. And that's at about some time roughly
11 from half one onwards?
12 MS ANYADIKE-DANES: Is it the same nurse that you give these
13 bowls to?
14 MR FERGUSON: One was one nurse -- it was two different
15 nurses. I took two bowls to the one nurse. I think the
16 one I took -- on the ward itself, she was the same nurse
17 who I gave the bowl outside the ward then and it was
18 a different nurse the third time.
19 Q. Do both nurses tell you a similar thing?
20 MR FERGUSON: Yes.
21 Q. Do you ask them why she's vomiting like that?
22 MR FERGUSON: The last one I took out, I think she said,
23 "Her stomach will be empty now, she might not throw up
24 more now".
25 Q. Do you ask them then why she's vomiting like that?

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1 Q. And when she did that, did you show those to the nurses?
2 MRS FERGUSON: Ray took them out.
3 MR FERGUSON: Every time Raychel vomited in the bowl,
4 I would actually take it out and show it to them. And
5 as far as I can remember -- all I can remember is, "it's
6 only natural". That's the only words I can hear back
7 and back, "It's only natural. After an operation, she
8 will be sick".
9 Q. So far as you can tell -- and please say if can't --
10 there wasn't an attempt to see how much vomit was in
11 those bowls as you presented them to a nurse?
12 MR FERGUSON: All we were told is, "It's only natural".
13 Q. Thank you. In terms of what's recorded, Mr and
14 Mrs Ferguson, leaving aside the 8 o'clock and the
15 10 o'clock, there's a recorded vomit at 1 o'clock and
16 a recorded vomit as 3 o'clock. And then we get into the
17 actual evening time. Do you remember the one at
18 1 o'clock and the one at 3 o'clock?
19 THE CHAIRMAN: Let's do the 1 o'clock first.
20 MR FERGUSON: I don't remember -- when I came back, it was
21 between 1 and 1.30. I'm sure -- it could be nearer 1.
22 I can remember taking three bowls to the nurses. I can
23 remember taking one to one nurse and then the other two was
24 the same nurse twice. One was in the ward, the other
25 two was out in the corridor, and each time, "It was only

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1 MR FERGUSON: I think I did ask, but she said, "It's only
2 after an operation, she will be sick".
3 THE CHAIRMAN: Can I ask, do you remember this,
4 Mrs Ferguson?
5 MRS FERGUSON: Sitting here now at the minute, no.
6 THE CHAIRMAN: Right.
7 MS ANYADIKE-DANES: So you don't remember the three bowls
8 that Mr Ferguson has just described?
9 MRS FERGUSON: Not sitting here at the minute, but that day
10 Raychel just seemed to be sick all the time so it's hard
11 to say because it was -- after 12 o'clock, it just seems
12 to be constant, quite often.
13 MR FERGUSON: When I came back, Raychel didn't look the same
14 when I left.
15 Q. So you noticed a difference?
16 MR FERGUSON: I noticed a big difference and I think
17 I expressed that to the nurses too.
18 Q. You told the nurses?
19 MR FERGUSON: I'm nearly 100 per cent I said to one of the
20 nurses she's completely different since I came back at
21 1 o'clock.
22 Q. And can you recall the response you got?
23 MR FERGUSON: "It's only natural after a operation"; that's
24 the response I got nearly every time I went out.
25 Q. Well, how concerned were you at this stage about

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1 Raychel? Perhaps I can ask you that, Mr Ferguson,
2 because you're the one who recollects the three vomits
3 that you take?
4 MR FERGUSON: We were concerned, but we thought she was in
5 a safe place too. They know best. That's their
6 profession.
7 THE CHAIRMAN: So if they're telling you this is only
8 natural after an operation, you take it that it's only
9 natural after an operation?
10 MR FERGUSON: That's the way we did take it, you know, but
11 we were still worried.
12 MS ANYADIKE-DANES: And then at about 3 o'clock you both go;
13 is that right?
14 MRS FERGUSON: Yes.
15 Q. Just to sort of round off what I was asking about the
16 vomits: Mr Ferguson obviously has a very clear
17 recollection of the vomiting, but Mrs Ferguson for you,
18 apart from the one that you actually saw when you took
19 her to the toilet, before you left, do you have a clear
20 recollection of any other vomits apart from the general
21 sense that she just seemed to be vomiting? Do you have
22 a clear recollection of any other specific ones?
23 MRS FERGUSON: Not until I came back at 3.45.
24 THE CHAIRMAN: Just before we leave this, the hospital
25 records record vomits at about 1 and about 3. So that

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1 leaving her, but you'll be coming back? How does she
2 seem?
3 MRS FERGUSON: A bit sleepy, I thought she was just tired.
4 THE CHAIRMAN: She's not out of bed, she's not colouring?
5 MRS FERGUSON: No, no.
6 THE CHAIRMAN: Is she talking much?
7 MRS FERGUSON: After 12, my recollection is there was very
8 little conversation.
9 MS ANYADIKE-DANES: Mr Ferguson, you remember Sister Millar
10 because she's there with the doctor that you do recall
11 first thing in the morning.
12 MR FERGUSON: Yes.
13 Q. Are you aware of Sister Millar, at this period before
14 you go away at 3 o'clock, of her looking in or
15 discussing anything with you?
16 MR FERGUSON: I would have seen Sister Millar that morning.
17 Q. Sorry?
18 MR FERGUSON: I only seen Sister Millar that morning.
19 I have no recollection seeing her after that.
20 Q. What Sister Millar says in her witness statement for the
21 inquiry at 056/1, page 4, is:
22 "Between midday and 1 pm, I was at the reception
23 desk opposite Raychel's room. Mr Ferguson and Raychel
24 came by the desk. Raychel was walking in front of
25 Mr Ferguson, who was pushing the intravenous drip stand

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1 could be two out of the three that you're talking about,
2 Mr Ferguson.
3 MR FERGUSON: It could be two out of the three.
4 THE CHAIRMAN: So I shouldn't understand your evidence to
5 mean that there are necessarily three extra vomits
6 during this period that the hospital has recorded?
7 MR FERGUSON: Could be one extra or could be two -- I know
8 she did vomit and vomit and vomit.
9 MRS FERGUSON: I think that the 3 o'clock one would have
10 been whenever we had left and come back. There was
11 a lady in the ward who said to me, "Since you left, your
12 daughter's done nothing but be sick". So we left at
13 about 2.45, so I think that's where they came in, but I
14 can only see one vomit for 3 o'clock, but the way it was
15 put to me, it was happening quite often. That's the way
16 it was ...
17 THE CHAIRMAN: Thank you.
18 MS ANYADIKE-DANES: We'll come to that maybe in a minute.
19 So then you go at 3, do you tell Raychel that you're
20 going off and you'll be back?
21 MRS FERGUSON: Yes, because we knew her godmother was coming
22 over to see her.
23 Q. Mrs Harrison?
24 MRS FERGUSON: Yes.
25 Q. And how does she seem to you as you're saying you're

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1 behind her. Raychel had her hand on her abdomen and was
2 slightly stooped over and was walking slowly towards the
3 bathroom. I commented to Mr Ferguson that it might be
4 easier for Raychel if a bedpan was brought to her bed,
5 instead of her walking to the bathroom. Mr Ferguson
6 said that Raychel wanted to walk herself and that they
7 would be able to manage. Shortly afterwards, within an
8 hour, Mr Ferguson and Raychel passed the reception again
9 on their way to the bathroom. I was on the telephone
10 at the time."
11 MR FERGUSON: Untrue.
12 Q. That happened?
13 MR FERGUSON: That didn't happen. Untrue.
14 Q. You're absolutely sure about that?
15 MR FERGUSON: It didn't happen. My wee girl she was 9-years
16 old. She wouldn't have let me take her to the bathroom.
17 If anyone was going to take her to the bathroom, it
18 would have been her mother, not me.
19 THE CHAIRMAN: Let's look at a couple of things.
20 Sister Millar's timing may not be exact in the same way
21 that some of your timing isn't exact. To the best of
22 your recollection, were you there between midday and
23 1 pm?
24 MR FERGUSON: I would say I was there at 1. I wasn't there
25 at midday, but 1 o'clock onwards, yes.

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1 THE CHAIRMAN: Okay. Let's suppose it's about 1 o'clock,
2 forget about whether you're taking Raychel to the
3 bathroom or not. Might you have been walking Raychel up
4 and down a bit?
5 MR FERGUSON: Raychel never got out of bed. Raychel was in
6 bed since I got back.
7 THE CHAIRMAN: Let's look at another possibility. Let's
8 suppose Sister Millar, looking back on it, has mixed the
9 two of you up, and let's suppose, Mrs Ferguson, it was
10 you she saw and not your husband. You would have been
11 there between midday and 1 o'clock; right?
12 MRS FERGUSON: Yes, I was there. That's when I took Raychel
13 to the toilet at 12. I didn't see Sister Millar.
14 I never saw Sister Millar at all. So but -- after the
15 12, that was it; Raychel wasn't out of the bed after
16 that.
17 THE CHAIRMAN: Okay.
18 MS ANYADIKE-DANES: Well, did anybody suggest to you, before
19 you left at 3 o'clock, if I can put it that way, that it
20 might be easier for Raychel if she had a bedpan?
21 MRS FERGUSON: No.
22 MR FERGUSON: No.
23 Q. If we stay just before this period of time that you
24 leave at 3 o'clock -- timings are difficult for people,
25 so if we just have orders of rough ideas, if I can put

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1 Q. So when Sister Millar says "but not large amounts",
2 that's not something that you would accept in relation
3 to that particular vomit?
4 MRS FERGUSON: No. That one was large.
5 Q. That might be how it has been described to her. She
6 doesn't say she saw any of the vomiting. She goes on to
7 say that:
8 "Raychel continued to be stable and in good form and
9 gave no cause for concern."
10 MRS FERGUSON: What I can't understand about Ms Millar is
11 she wasn't on the ward, she never saw Raychel. So
12 I don't know where she's getting this that she would
13 have looked well or fine. All the time I was there,
14 I never seen Ms Millar.
15 THE CHAIRMAN: The three vomits, Mr Ferguson, that you took
16 out at some point, 1, 1.30, thereabouts, a bit onwards,
17 were they particularly big vomits or were they smaller?
18 MR FERGUSON: The last one was more larger, and there were
19 wee specks of -- as I recall, I saw wee specks of stuff,
20 food, could be blood -- it was just clear stuff, like
21 goo. The other two, they weren't as large as the last
22 one.
23 THE CHAIRMAN: Okay.
24 MS ANYADIKE-DANES: Leaving aside that Sister Millar wasn't
25 actually there, she might be referring to what has been

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1 it that way. So some time in the afternoon before you
2 leave, Sister Millar's evidence to the coroner was that
3 Raychel had vomited undigested food at 10.30 and again
4 at 1 and again at 3.
5 MRS FERGUSON: Mm-hm.
6 Q. That would accord with your views, roughly?
7 MRS FERGUSON: 10.30, we didn't know about, the 8 o'clock.
8 The only vomit I knew was that wee bit at 11 and then
9 the large vomit at 12. Ray's recollection is of the
10 1 o'clock.
11 Q. Yes. So she might be referring to something that you
12 didn't know about, but nonetheless happened?
13 MRS FERGUSON: Yes.
14 Q. Then she says that they're not large amounts. Let's
15 assume that the timing might be a bit off and the one
16 that she is referring to at 1 o'clock, maybe that's the
17 one that you're talking about at noon, say.
18 MRS FERGUSON: That's what I thought.
19 Q. When you describe that vomit to a nurse because you were
20 a little bit worried about it, as you've said in
21 evidence, did you give the nurse any idea as to how much
22 she actually vomited as opposed to what she had vomited?
23 MRS FERGUSON: I said that she filled the sink. I couldn't
24 believe the way it just all shot out. It was just all
25 over the sink, like. All I could see was the rice.

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1 reported to her by the nurses. So if anybody had asked
2 you your view as to how Raychel seemed to you after
3 lunch before you left at 3 o'clock, how would your view
4 fit with the description "good form and giving no cause
5 for concern"?
6 MRS FERGUSON: No, it doesn't fit at all. That's not the
7 way Raychel was.
8 MR FERGUSON: She went downhill big time.
9 THE CHAIRMAN: Well, what you've said is that you were
10 concerned before you left to get, I think, your sons
11 from school. You were already worried about her, but
12 you thought she was in a safe place and you had been
13 told it was only natural. And then you're away and you
14 come back and I think we move on to the next point at
15 which you come back and you can tell me how worried you
16 were, when you came back, by what you saw.
17 MRS FERGUSON: Yes.
18 MS ANYADIKE-DANES: When you come back, you can compare how
19 she seemed to you in the morning. You can, Mr Ferguson,
20 and, to some extent, you can as well, Mrs Ferguson.
21 Then how she was when you left her at 3 o'clock as how
22 she is when you come back.
23 If I start with you, Mr Ferguson, when you come
24 back -- it's you, Mrs Ferguson, who comes back first.
25 You come back just a little bit after 4-ish or

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1 thereabouts. Her godmother, Mrs Harrison, has been with
2 her for about an hour, is that right, while you've been
3 away, essentially?
4 MRS FERGUSON: Yes.
5 Q. And then you come back. Before we get into what
6 Mrs Harrison might have described to you, how does
7 Raychel seem to you at that point by comparison with how
8 she was when you left her?
9 MRS FERGUSON: She was just lying in the bed. I remember
10 bringing back cards and stuff that her classmates had
11 made for her. I was taking each one out of the bag and
12 saying this is from such-and-such. I thought because
13 I had my back to her, maybe I didn't hear what she was
14 saying, but each time when I looked round, she was just
15 lifeless, listless, like, she just reacted by her eyes.
16 Her face was quite flushed.
17 Q. The lady who has a child in another bed, Mrs Duffy, did
18 she say anything to you about how Raychel had been while
19 you were away?
20 MRS FERGUSON: It wasn't Mrs Duffy; it was another woman
21 in the ward with her child, it was her. And I spoke to
22 that woman -- that would have been the first time I paid
23 any attention to her -- and she said to me, "Since you
24 left, your wee girl has done nothing but be sick".
25 Q. And Mrs Harrison, Raychel's godmother, does she tell you

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1 THE CHAIRMAN: How close was Raychel to Mrs Harrison?
2 MRS FERGUSON: Fairly close. She stayed in her house a few
3 times. Margaret knew her as being loud in that way, you
4 know. Looking back -- Margaret, we were chatting one
5 day, and she said, "I don't know how I could explain",
6 and I explained, to me, she was like a zombie and
7 Margaret said that's exactly what -- to me that's
8 exactly. And she said she's sorry now that she didn't
9 start shouting -- when you're told that she's going to
10 be all right and it's just normal, you know what I mean.
11 THE CHAIRMAN: Thank you.
12 MS ANYADIKE-DANES: You had said that the lady who had
13 a child in the opposite bed had told you that Raychel,
14 when you were away, had done nothing but be sick during
15 that period. In fairness to you, you do say that in a
16 witness statement, which is your witness statement for
17 the inquiry 020-1, at page 12. We don't need to pull it
18 up. There is another lady called Elaine Duffy. Did you
19 know either of these ladies beforehand?
20 MRS FERGUSON: No, never.
21 Q. And Elaine Duffy is a different lady from the lady who
22 told you about Raychel being sick; is that right?
23 MRS FERGUSON: Yes.
24 Q. She made a statement to the PSNI, 095-007-022, and she
25 refers to Raychel's deterioration over the day and

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1 how Raychel's been?
2 MRS FERGUSON: She was already away whenever I got back.
3 She wasn't here.
4 Q. Mrs Harrison has made a statement for the inquiry. She
5 also made a statement for the PSNI. Her statement for
6 the PSNI, the reference for it is 095-006-020. She
7 describes Raychel as moving from her chair to the bed --
8 you've probably seen this -- and she said that she was
9 moving freely when she did that, but was completely
10 uncommunicative to her.
11 In her witness statement for the inquiry, which is
12 318/1, page 3, she said she visited between 3 and 4 and
13 specifically says that there was no vomiting. So she
14 didn't notice the vomiting, but if those times aren't
15 precisely accurate, the 3 o'clock vomit may have
16 happened, if I can put it that way, and then what she
17 would be saying is she didn't see anything thereafter
18 until she was away. And I gather you didn't overlap.
19 MRS FERGUSON: No.
20 Q. She'd gone before you came back?
21 MRS FERGUSON: Yes. Margaret would probably only have
22 stayed about 15, 20 minutes because she would have been
23 going to work. She normally would have been in work
24 about 3.45 or so, so I would say Margaret was only in
25 about 15 minutes.

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1 numerous vomits and says that the nurses left trays out
2 for Raychel. Did she tell you when you got back that
3 Raychel had been sick or have any discussion with you
4 about Raychel that you can recall?
5 MRS FERGUSON: I can't recall at the minute. I can just
6 recall that lady saying whenever went back into the
7 ward ...
8 Q. You didn't know either of them until that point that you
9 discussed that with them?
10 MRS FERGUSON: That's right.
11 Q. And you say that when you got back, you took cards that
12 had been made by Raychel's school friends, Mrs Ferguson,
13 and that after you had done that, you tried to engage
14 Raychel in discussion about those cards --
15 MRS FERGUSON: Yes.
16 Q. -- and there was no response?
17 MRS FERGUSON: No response at all. She was just in a stare.
18 Q. And then I think, in evidence before, you said that the
19 first vomit that you recall was about 5 o'clock after
20 that; is that right?
21 MRS FERGUSON: Yes.
22 Q. And you were on the bed with her?
23 MRS FERGUSON: Yes.
24 Q. And that you remember her starting to heave?
25 MRS FERGUSON: We both got into the bed, her sitting up with

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1 me, and I said, "You don't look well, Raychel", and then
2 I thought she was huffing because we had both left. The
3 more I was talking to her, she wasn't replying, she lay
4 between the two of us, dozing off.
5 Q. How worried were you at that stage?
6 MRS FERGUSON: Whenever I put my head on the pillow, I can
7 remember saying to myself, "It's only normal, it's only
8 natural", so ...
9 THE CHAIRMAN: But looking back on it, things were happening
10 in reverse, weren't they, because when you arrived that
11 morning --
12 MRS FERGUSON: She was grand.
13 THE CHAIRMAN: -- she was at the table, he dad's got her the
14 colouring stuff and the pens and she's working away and,
15 as the day goes on, she gets worse.
16 MRS FERGUSON: Yes. She just stopped talking altogether.
17 She was just moving her eyes, that's how she was
18 reacting.
19 THE CHAIRMAN: Thank you.
20 MS ANYADIKE-DANES: There's just one final point I want to
21 put to you and then, Mr Chairman, if we could have
22 a break at that stage.
23 Mrs Ferguson, in your witness statement for the
24 inquiry, 020/1, page 13, you do say that those trays
25 were used, you're not entirely specific as to when they

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1 said is that from about mid-afternoon they had called
2 a doctor to come to give Raychel the drug?
3 MRS FERGUSON: Yes, but I was speaking to Monye and that's
4 what I said. When I came back to see the 5 o'clock
5 vomit, to me, I believed that's when the doctor was
6 called. The doctor wasn't called, I don't believe, at
7 3. I believe that that vomit at 5 is what prompted the
8 doctor to come and he came shortly after 5.
9 MS ANYADIKE-DANES: Well, I am going to start there with
10 you, perhaps after the break, but can I ask you this
11 though: did the nurses at any time before a doctor
12 showed up tell you that they were getting a doctor for
13 Raychel?
14 MRS FERGUSON: Not before that, no. At 5 -- I was listening
15 to Staff Nurse McAuley, she was saying that I had said
16 that Raychel was still being sick. I think that's what
17 prompted the doctor.
18 Q. And did you understand from that exchange that she was
19 then going to get a doctor to try and do something about
20 that?
21 MRS FERGUSON: Yes.
22 Q. But that was never said up until that point?
23 MRS FERGUSON: That's right.
24 MS ANYADIKE-DANES: Thank you. Mr Chairman, I wonder
25 if we might ...

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1 are, but they are used. You go on to say that you told
2 the nurses, but you don't recall who you told about
3 Raychel being sick and that you were starting to panic
4 at this stage and you had a feeling that something was
5 not right and that Raychel was like a zombie. Can you
6 remember if it was one nurse you told or a number of
7 nurses over a period of time about your concerns?
8 MRS FERGUSON: It would have been different ones. But which
9 nurse it was, because at the time I wasn't paying any
10 attention to ... I wasn't thinking, I wasn't studying
11 them like. I really never paid any attention to the
12 nurses.
13 Q. This is for both of you, Mr and Mrs Ferguson, but not
14 going into the evening, just stop at this stage. In any
15 of these times when you have told the nurses about
16 Raychel vomiting or her pallor, being red in the face or
17 clammy, did you ever get any feeling that this is
18 something that the nurses were concerned about?
19 MRS FERGUSON: No, the nurses weren't concerned because they
20 were in very little of the time, you know. I know
21 we were sitting here listening and they were saying they
22 were in every hour, but surely if they had been in every
23 hour, they would have seen Raychel deteriorating, they
24 would have seen her change.
25 THE CHAIRMAN: Did you know that what the nurses have now

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1 THE CHAIRMAN: 15 minutes? Thank you.
2 (11.42 am)
3 (A short break)
4 (11.57 am)
5 (Delay in proceedings)
6 (12.11 pm)
7 MS ANYADIKE-DANES: Mr and Mrs Ferguson, there are some
8 matters that I have to go back to ask you about to see
9 how they fit with other things that you have said before
10 or that others have said. The first is to return to the
11 issue of being told by the nurse, who you now recognise
12 as Staff Nurse Bryce, about Raychel being away for
13 an hour and being back on the ward in that period of
14 time.
15 I put to you the suggestion that what she might have
16 been telling you is that the operation might last about
17 an hour and you said, no, you didn't think it was that
18 because she gave you a particular time that she thought
19 you could be back at the ward for, if I can put it that
20 way. In her evidence, she actually gave a bit more
21 description as she's pretty clear that she didn't tell
22 you that and she wouldn't tell you that, so I want to
23 give you an opportunity to comment on that. It's the
24 transcript of 4 March, page 155, if we can pull that up,
25 please.

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1 I'll see if I can get you a hard copy and read you
2 out the relevant bit. This is literally from the top of
3 the page, and her response to the suggestion of an hour
4 is:

5 "Answer: It is very unlikely that I would have told
6 them that the child would be back in an hour. Most
7 surgeries would never have lasted an hour; it would be
8 at least an hour-and-a-half, two hours. Sometimes what
9 I would advise a parent to do is to go and have a cup of
10 tea and maybe come back to the ward in an hour or
11 whenever and wait on the ward then for their child to
12 return because we would have brought them back to the
13 ward -- the parents didn't go to the recovery room."

14 And so the point is:

15 "Question: Yes, it probably is a conversation that
16 is probably imbued with a lot more meaning now than
17 perhaps was intended at the time and, just to get this
18 again, you might have mentioned an hour in the context
19 of going for a break and coming back to the ward and
20 keeping an ear out for when the child came back."

21 "Answer: I know I would have told some parents to
22 do that, to go and have a cup of tea while they were
23 waiting."

24 Do you see the point that's being made there,
25 the suggestion is that you might have been told about

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1 it there were junior doctors [inaudible] ... It's that
2 far now ... There were junior doctors [inaudible].

3 Q. Where were they when you saw them?

4 MR FERGUSON: Standing at the bottom of Raychel's bed.

5 Q. So far as you are aware, were they talking about Raychel
6 or they just happened to be standing there talking
7 amongst themselves?

8 MR FERGUSON: They were just taking notes.

9 Q. Were you aware if they were taking notes in relation to
10 Raychel?

11 MR FERGUSON: I don't know.

12 Q. Did any of them speak to you?

13 MR FERGUSON: No.

14 Q. Did you see any of them pull up her charts?

15 MR FERGUSON: No.

16 Q. So they could actually have just been there and talking
17 about other children, but it just happened they were
18 there by the bottom of Raychel's bed?

19 MR FERGUSON: In my view, I think they were training, they
20 were trainees.

21 THE CHAIRMAN: Did they arrive with Mr Zafar and leave with
22 Mr Zafar?

23 MR FERGUSON: Yes. They arrived with Dr Zafar -- as I knew
24 it, it was Makar, but it was Zafar.

25 THE CHAIRMAN: So they appeared to be part of a team?

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1 an hour and might have been told, in about an hour, to
2 come back to the ward, but not that Raychel would
3 definitely be back at that time, but to be back and then
4 we'll see how it goes about when she actually does come
5 back. Is it possible that there might be some confusion
6 and that is what she actually said?

7 MRS FERGUSON: No, the words she said was that, "Raychel
8 will be back within the hour". She said, "Go and get
9 yourself a cup of tea", and I remember looking at the
10 watch, and it was 11.30, so it'll be 12.30, but we'll
11 need to be back five or ten minutes before that, so we
12 probably would have been on the ward about 12.20. I did
13 hear Nurse Bryce' evidence, but we definitely didn't
14 pick her up wrong.

15 Q. Okay. Then the next thing I want to ask you about is
16 that, Mr Ferguson, in your statement for the PSNI at
17 095-005-016, you say that:

18 "The doctors came into the ward soon after doing
19 their rounds. Dr Makar [and I know you meant Dr Zafar]
20 was there and he told me the operation went well."

21 The point that I wanted to ask you about is your
22 statement that "the doctors came into the ward soon
23 after doing their rounds"; what did you mean by that,
24 Mr Ferguson?

25 MR FERGUSON: There was junior doctors -- as I took

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1 MR FERGUSON: That's the way -- maybe I should have put it
2 in that way when I made my statement.

3 MS ANYADIKE-DANES: And when you say they appeared to be
4 trainees, they were younger than he was?

5 MR FERGUSON: Yes.

6 Q. And appeared to be more junior than him?

7 MR FERGUSON: Yes.

8 Q. And you say they were taking notes.

9 MR FERGUSON: Yes.

10 Q. I'm going to pull up a statement that Mrs Duffy made for
11 the PSNI and see if you can help us in relation to this
12 particular note we're looking at. 095-007-022. Can we
13 pull that up, please? If you go down a little bit past
14 halfway, you can see where it starts:

15 "At some point early mid-morning the doctors came to
16 do their usual rounds, which included Emma [that's their
17 daughter]. There was a team of doctors on the round and
18 I think one was consultant paediatrician, I am not sure.
19 The doctors did not attend to Raychel at this time.
20 I did not know why. During my time in the ward, I did
21 not notice any doctors with Raychel on the day of
22 Friday, 8 June."

23 Leaving that point aside and dealing with the team
24 of doctors, were you aware of this, Mr Ferguson? Could
25 this be what you had earlier referred to in your

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1 statement?
2 MR FERGUSON: It could have been. It could have been. But
3 they did come over to Raychel.
4 Q. Did they come over?
5 MR FERGUSON: Yes. As far as I'm aware, they're diagonal,
6 they're over looking at the wean first on the diagonal
7 from Raychel and they walked over to Raychel then.
8 Q. Mrs Duffy has referred to somebody who she thinks was
9 the consultant paediatrician. So far as you can tell of
10 the doctors that you saw, did Mr Zafar seem to be the
11 most senior, certainly in terms of age?
12 MR FERGUSON: As far as I was aware. He was the one doing
13 the talking.
14 Q. And was he talking to these junior doctors so far as you
15 can recall?
16 MR FERGUSON: Well, he could have went away to one side to
17 talk to them. He didn't talk to them in front of me.
18 They did stand for a wee minute before they went out of
19 the ward again.
20 Q. So if he did engage with them, it's not something that
21 you saw directly?
22 MR FERGUSON: No.
23 Q. Thank you. Mrs Ferguson, you have talked about taking
24 Raychel to the toilet and we had the issue about whether
25 you were carrying her to the toilet or from the toilet,

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1 things that they record and the things that you recall.
2 MRS FERGUSON: Yes.
3 Q. They record some things that you don't remember and,
4 similarly, you remember some things that don't find
5 their way onto her charts.
6 MRS FERGUSON: That's right.
7 Q. Can you help us with how it is that they can record
8 Raychel passed urine at about 10 o'clock, which ought to
9 have been a time or was a time, actually, Mrs Ferguson,
10 when you were there?
11 MRS FERGUSON: That's what we don't understand because the
12 first time that Raychel went to the toilet was
13 definitely in my mind 11.45, and looking back -- and me
14 and Ray was talking about this -- we just think that
15 maybe that would have been just said.
16 THE CHAIRMAN: I'm just a bit curious. I can understand why
17 you remember her in the toilet at about midday because
18 that was clearly things going badly wrong. But if she
19 did go to the toilet at 10 o'clock, why would you
20 remember? As far as you are concerned, Raychel's fine,
21 she's up and about and bubbly and in good form. If she
22 went to the toilet at 10 o'clock and you would have
23 taken her, is that something that you would remember?
24 MRS FERGUSON: I would remember if I took her, yes, but we
25 don't remember her going to the toilet at 10.

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1 but in any event that was about 12 o'clock or 12 noon,
2 so far as you can tell.
3 MRS FERGUSON: Yes.
4 Q. That came from your statement for the inquiry. But in
5 your statement to the PSNI, you refer to carrying her to
6 the toilet at 12 noon and at 2 pm. We don't need to
7 pull it up, but the reference for it is 095-003-012. Do
8 you remember how many times before you actually left
9 at the 3 o'clock period, if I can put it that way, that
10 Raychel went to the toilet?
11 MRS FERGUSON: The 12 o'clock one stands out quite clearly.
12 Why I say 12 is because they were coming round with the
13 dinner at that stage -- trolleys were out in the
14 corridor. I do remember going out again -- and I'm
15 saying around 2 -- but I do believe it was before we'd
16 left at 3.
17 Q. And if you took her to the toilet, were you aware of
18 whether she actually went to the toilet?
19 MRS FERGUSON: The 12 o'clock one, yes, but the 2,
20 I couldn't be definite now, sitting here.
21 Q. Did anyone tell you it would be useful if you could let
22 them know if Raychel went to the toilet?
23 MRS FERGUSON: No, that was never mentioned.
24 Q. If one looks at the records that the nurses were
25 maintaining, there are some differences between the

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1 MS ANYADIKE-DANES: So far as you can recall from Raychel's
2 demeanour or at least form, if I can put it that way, at
3 about 10 o'clock, could she or would she have gone to
4 the toilet by herself?
5 MRS FERGUSON: No, she would have said to me and I would
6 have gone with her. The toilet wasn't that far away, it
7 was more or less outside the room.
8 Q. So it was quite close?
9 MRS FERGUSON: To me, it was just outside the room.
10 Q. So if she was going to go, she would ask you to go with
11 her?
12 MRS FERGUSON: Without a doubt, I would have gone with her.
13 There's no question of that.
14 THE CHAIRMAN: Okay.
15 MS ANYADIKE-DANES: Were you aware of whether Raychel had
16 a named nurse or at least a particular nurse who was in
17 charge of her nursing care?
18 MRS FERGUSON: I didn't think she had a particular nurse, it
19 was just whoever was there was there. There was no one
20 person -- or we were never told if there was one person
21 assigned to her.
22 Q. Or any one person that you could be discussing Raychel
23 with and report things that were happening?
24 MRS FERGUSON: Well, if there was one named nurse we would
25 have done that, but there was no one specific nurse that

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1 we were told that this is -- she's going to be in charge
2 of Raychel for the day, any problems report. We weren't
3 told anything.
4 Q. And then if we can come on to you, Mr Ferguson, you
5 remember just before that break that you were talking
6 about the three vomits that you recall.
7 MR FERGUSON: Yes.
8 Q. And it's in your witness statement for the inquiry,
9 021/1, page 6, you say that you recall three vomits
10 between about 1.30 and 3 o'clock. You say that she was
11 heaving and making some noise and she seemed to be
12 straining and the vomit was gooey with red dots in it,
13 which is very close to what you said before the break.
14 You also go on to say on the next page that:
15 "The last vomit seemed to have some blood in it."
16 In an earlier statement, one that you made for the PSNI,
17 which would be closer in time to these events -- the
18 reference for it is 095-005-017 -- you described:
19 "... several kidney trays of vomit which seemed to
20 be very watery."
21 You don't mention the red dots or any appearance of
22 blood. Can you help us with why you wouldn't have
23 mentioned something that you might be rather surprised
24 to see in her vomit?
25 MR FERGUSON: I was just thinking back. I do remember them

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1 you had taken those kidney dishes to a nurse. So you've
2 mentioned the fact that she's vomited that amount of
3 times, but can you remember if you'd mentioned to the
4 nurse that the last vomit seemed to have something in
5 it?
6 MR FERGUSON: Yes.
7 Q. You think you did say that?
8 MR FERGUSON: Yes.
9 Q. And what was the response?
10 MR FERGUSON: I just don't recall now.
11 Q. Okay.
12 MR FERGUSON: Everything I recall is "It's natural".
13 Q. In your witness statement, what you've recalled then was
14 the response -- it's at witness statement 021/1, page 7:
15 "When I took the last one, I said I thought it had
16 blood in the vomit [so this is the period that we're now
17 just talking about, the same witness statement], but the
18 reply I got was that her stomach was empty now and she
19 would not throw up again. I can't remember which nurse
20 it was who told me this."
21 MR FERGUSON: Yes, and that was only natural.
22 Q. And then Mrs Ferguson, when you're referring to the
23 vomit at around 5 o'clock and how Raychel was, at this
24 stage you're there with Raychel, and Mr Ferguson is not
25 in the hospital at that time. You say that you do go

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1 three vomits, especially the last one. That's the one
2 with the red dots. Maybe I should have mentioned it
3 in the police statement, but I didn't. I don't know why
4 I didn't. Listening to the evidence through this, I do
5 mind Raychel throwing up more times than enough and she
6 was straining, but I do mind the last one, just before
7 3 o'clock, was grey and the tray was nearly full and
8 there were wee red specks through it, as I took it,
9 could be blood.
10 Q. That's what I wanted to ask you. Is it having heard the
11 evidence now you feel that those specks might be blood?
12 MR FERGUSON: That's what I feel now, yes, might have been
13 blood.
14 Q. If you hadn't heard all of that evidence, would it have
15 occurred to you that that might be blood or would you
16 just have thought that there's specks in her vomit,
17 maybe the last bits of food?
18 MR FERGUSON: Well, it wasn't food anyway, no.
19 Q. So whatever it was, it wasn't food?
20 MR FERGUSON: It wasn't food. There were wee specks to it.
21 Q. Did you mention that to anyone?
22 MR FERGUSON: Yes. The last tray I took out, I said to the
23 nurse, as far as I recall. I can't remember which nurse
24 it was.
25 Q. Just help me with this: I think you have mentioned that

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1 out and tell the nurses about Raychel vomiting, although
2 you can't remember which nurse you told. And then if
3 you remember, I read out to you just before the break
4 the bit of your statement, it's at 020/1, page 13:
5 "I was starting to panic at this stage. I had
6 a feeling something wasn't right."
7 Did it occur to you to tell your husband your
8 concerns about Raychel?
9 MRS FERGUSON: Yes. That last bit that you said about me
10 saying her stomach is now empty, did you say that was
11 from the police statement? Ray's police statement?
12 Q. That was from his inquiry witness statement.
13 MRS FERGUSON: I'm just saying that because we were giving
14 the police statement --
15 Q. I beg your pardon, you're quite right: it's also in his
16 police statement.
17 MRS FERGUSON: When we were giving the police statement,
18 we were sort of both talking at the one time, so I'm
19 thinking --
20 THE CHAIRMAN: [Inaudible: no microphone?]
21 MRS FERGUSON: -- it was actually me that had said that
22 because that's what the nurse had said to me at
23 5 o'clock. That's the only way I can ... When we were
24 giving our police statements, we were both ...
25 MS ANYADIKE-DANES: So the response you got which may have

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1 led you to believe that perhaps your concerns weren't --
2 at least weren't shared by the nurses was that,
3 effectively, that now her stomach's empty --
4 MRS FERGUSON: Her stomach's empty, she won't be sick any
5 more. That's when Dr Devlin came.
6 Q. I think you were telling the chairman before the break,
7 what you think prompted Dr Devlin being called was when
8 you went out to tell them about that vomit?
9 MRS FERGUSON: Yes.
10 Q. And I think what you were saying was that the nurse had
11 told you that they would get a doctor to try and deal
12 with that.
13 MRS FERGUSON: That's right.
14 Q. When you said they were going to get a doctor, was there
15 any suggestion to you that they were concerned about it?
16 MRS FERGUSON: It was just that -- to me I picked up they
17 must have been thinking, "Oh, she's she vomited again,
18 we'll get a doctor", but I had said to the nurse at that
19 time -- I listened to Staff Nurse McAuley or Rice,
20 that's when I had the conversation with her, and I said,
21 "Raychel's been sick again", because at this stage she's
22 been sick all day and, 5 o'clock, she's still being sick
23 and it was the way she was being sick, she was sleeping
24 and she was really straining at that stage. I think
25 that's what prompted the doctor to be called.

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1 administered to her?
2 MRS FERGUSON: She was sick before that. It was whenever
3 she wakened up, that's what -- that's how I woke up,
4 with Raychel retching. She got up on the bed and she
5 was straining, as if she was choking.
6 THE CHAIRMAN: So you told the nurse and that's what makes
7 you believe that that's what prompted Dr Devlin being
8 called and that's what makes you doubt that Dr Devlin
9 had been called an hour or two earlier?
10 MRS FERGUSON: I don't believe that Dr Devlin was called --
11 to me, that's when he was called.
12 MS ANYADIKE-DANES: Dr Devlin recalls a vomit. Apart from
13 that vomit which you think prompted them contacting him,
14 were you aware of Raychel vomiting when Dr Devlin was
15 actually there?
16 MRS FERGUSON: Not right now this minute, no. I just
17 remember being -- vomiting when she had woke up.
18 I know -- I've seen Dr Devlin's evidence and he said
19 when he was there that she was vomiting. That
20 I don't ...
21 Q. You don't remember that?
22 MRS FERGUSON: I don't recall that, no.
23 Q. Do you remember him saying anything to you about Raychel
24 and what he had just administered and what he thought
25 might be the effect of it?

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1 Q. And so the doctor does come at 6 o'clock. And you are
2 still in the hospital at that stage?
3 MRS FERGUSON: Yes.
4 Q. And you remember that happening?
5 MRS FERGUSON: I remember Dr Devlin coming in and there was
6 a nurse with him.
7 Q. What do you remember about that?
8 MRS FERGUSON: I can remember -- I know he gave her
9 something, I don't know what.
10 Q. An injection?
11 MRS FERGUSON: Could have been. It was something.
12 Q. Let's start from a little bit before he gives her
13 something. When he comes, does he introduce himself, do
14 you know who he is?
15 MRS FERGUSON: No, I didn't know he was Dr Devlin until
16 I came here.
17 Q. Do you see him examine Raychel in any way?
18 MRS FERGUSON: All I remember is he came straight in, give
19 her something and the nurse was sort of standing more
20 at the back of Raychel, and it was then she said to me,
21 "Her stomach is now empty, she won't be sick any more",
22 but Raychel was sick when Dr Devlin was there. So the
23 nurse was sort of at the back of Raychel.
24 Q. Was she sick before or after he gave her the injection
25 so far as you can remember, or whatever it was he

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1 MRS FERGUSON: I presume he must have said that he was
2 giving her something, but I don't think he just came in
3 and give it to her and said nothing. I do believe he
4 probably did say maybe what it was he was giving her,
5 but I picked up that that was it then, she wasn't going
6 to be sick any more because this was going to stop her
7 being sick.
8 Q. Is that the first doctor you personally remember seeing
9 Raychel?
10 MRS FERGUSON: Yes.
11 Q. Did you tell him anything about how Raychel had been?
12 MRS FERGUSON: I presume the conversation I had with the
13 nurse before that -- that Raychel still was being sick,
14 I presume that she related that back to the doctor
15 whenever he was called.
16 Q. Dr Devlin coming, is that something, apart from the fact
17 of him coming, but whilst he was there and whatever he
18 might have said or might have done, is that something
19 you have a clear recollection of or not very?
20 MRS FERGUSON: I remember him coming in, I remember Raychel
21 getting up on the bed, heaving away, making out --
22 coming back in, shortly afterwards, it was quite quick
23 that Dr Devlin had come, and then whenever he said --
24 there was a nurse who said, "That's it, her stomach's
25 now empty, she will not be sick any more". It was

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1 shortly after that that she was sick again.
2 Q. Before we get to that, can you recall if Dr Devlin
3 examined Raychel at all?
4 MRS FERGUSON: No, he just -- I think it might have been at
5 this stage that he gave her suppositories or something.
6 Q. Did you think he might examine her or a doctor might?
7 MRS FERGUSON: I thought they would have checked her over
8 and, considering the nurses were aware of it, I presume
9 that the nurses would have told him she's been sick and
10 now it's 5 o'clock and she's still throwing up. But my
11 whole feeling that day was that there was nobody
12 concerned, you know. I actually thought then that they thought
13 we were just being fussy. This is the way it seemed to
14 be getting picked up, that nobody was taking on board
15 what was happening.
16 Q. If he had any discussion with a nurse, is that something
17 that happened in front of you?
18 MRS FERGUSON: No, it didn't happen in front of me, no.
19 I presumed it must have happened whenever she went and
20 got him.
21 Q. That point that you have just made that there you got
22 the impression that maybe you were just feeling a bit
23 fussy, is that something that you now think about or
24 something that you thought at the time that you might
25 have been making a fuss?

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1 Q. Is there a reason why you didn't tell him your feelings?
2 MRS FERGUSON: Well, I'd already told the nurse, I expected
3 the nurse -- because there was no conversation with ...
4 I'm saying Dr Devlin came in, I'm sure he would have
5 said what he was giving her, but there was no
6 conversation. I presumed the nurse would have told him
7 whenever she went and got him.
8 Q. You mentioned suppositories just then. Is there
9 a reason why you mentioned them? Do you think that's
10 what he might have administered?
11 MRS FERGUSON: There was something about suppositories, but
12 I don't know if it was my time or maybe was it at Ray's
13 time at 10.
14 Q. Okay. So he administers the medication and how does she
15 seem after that?
16 MRS FERGUSON: She wasn't any better. It was just shortly
17 after he went out again that she threw up again. It was
18 just like bile. She was straining the way she was
19 straining when she got up at 5. I couldn't understand
20 because I was told her stomach was now empty and she
21 wouldn't be sick any more, and then another one.
22 Q. The nurses have recorded that that medication was
23 administered with "fair effect", in other words it had
24 some effect. It's in the episodic care plan at
25 063-032-076. It's right there at the bottom:

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1 MRS FERGUSON: No, from the very first time when Raychel
2 came back after the operation, to me the attitude of
3 Mrs Noble -- it wasn't good, as far as I was concerned.
4 We both wanted to stay, we couldn't see any harm,
5 we weren't doing -- the screen was round, Ray was in one
6 part, I was in another -- and I think after that, the
7 nurses to me were just ... Cheeky, you know? Just
8 they thought we were fussy and that was it.
9 Q. Did that lead you to think Raychel, in terms of a child
10 who's just had an appendectomy, maybe she isn't that
11 unwell?
12 MRS FERGUSON: I knew Raychel was unwell, but they just
13 weren't listening to what we were saying. They didn't
14 have any concern, you know, they just thought she's had
15 an appendix, she'll be all right. I don't think they
16 realised how serious it was. They weren't on that, you
17 know -- the nurses, I never seen them in and out. They
18 weren't coming in after Raychel was sick and saying,
19 "I must go and see how she is because she wasn't too
20 well a while ago". That wasn't happening.
21 Q. Did you think Raychel's general deterioration is
22 something that you might have raised with Dr Devlin?
23 MRS FERGUSON: Well, the way Raychel was at 5,
24 I don't know how Dr Devlin didn't pick up on that.
25 I can't believe how he didn't pick up on it.

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1 "Vomiting this PM plus IV Zofran given with fair
2 effect."
3 MRS FERGUSON: No, Raychel -- she never changed at all. She
4 wasn't speaking. After that happened, the nurse had
5 left and it was when Raychel was sick again, I think it
6 was Mrs Duffy had passed over the -- given me over the
7 kidney tray.
8 Q. The kidney bowl?
9 MRS FERGUSON: Yes. And I remember going back out and
10 saying Raychel's been sick again. I don't recall what
11 the response was, and it wasn't long after that when Ray
12 came over. But at this stage, I can't stress enough
13 that she was just like a zombie. She was just lying
14 there. At 4 o'clock, at least she was able to react
15 with her eyes, do you know what I mean? But that all
16 stopped then. She was just completely zombie.
17 Q. So a little bit after that, your husband comes back and
18 he brings her two brothers and a little friend.
19 MRS FERGUSON: Yes.
20 Q. And you've timed that in your PSNI statement, which is
21 at 095-003-013, at about 6.50, and you say Raychel was
22 in bed then and appeared disinterested in them.
23 I wonder if you can help with this business about
24 Raychel being in bed? Apart from your husband's
25 description of her being out of bed and colouring and

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1 walking up and down the ward with him and your
2 description of taking her to the toilet, the only other
3 reference that we have to Raychel actually not being in
4 bed is Mrs Harrison's evidence, her godmother, and she
5 says, when she got there, or at least at some point in
6 time when she was with Raychel, that Raychel was sitting
7 up in the chair, and then she got up and put herself
8 back in bed, if I can put it that way. So far as you're
9 aware, was there a time when Raychel was able to get out
10 of bed or sit in her chair other than the descriptions
11 of what had happened in the morning?
12 MRS FERGUSON: Was there any only time that she had been
13 able to? Well, Margaret did say that and I've been
14 thinking about that since because Margaret had said that
15 there was no nurse in with her, so I picked up that
16 Raychel must have been sick after we'd left. She was
17 put out the chair -- and I'm saying that, put out in the
18 chair. Nobody came back in to check, while Margaret was
19 there, if she was back in her bed. So Ray and I were
20 both wondering, like, was Raychel sick after we had left
21 and was she put out in the chair and nobody bothered to
22 come back in.
23 Q. You mean the 3 o'clock vomit that's recorded might be
24 a time when she vomited and she was moved out of the bed
25 so that they could address that?

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1 that would be a nice memory to have of Raychel out in
2 the corridors with her brothers. It would be a nice
3 memory and I wish I could sit here and say that, but
4 that is so untrue. And I know, Mr O'Hara, a couple of
5 times had given her the opportunity maybe to -- she
6 might have saw her, but she was saying it's 100 per cent
7 that it was Raychel, but I can honestly say it's so
8 untrue.
9 THE CHAIRMAN: Mrs Ferguson, you can be 100 per cent sure
10 about something and you can be wrong.
11 MRS FERGUSON: No, I'm 100 per cent sure that Raychel never
12 left.
13 THE CHAIRMAN: But you know the point I'm making: whether
14 it's you or Nurse McAuley, people can be 100 per cent
15 sure about something and just be wrong about it. But
16 I've got your point: at the very least, when you came
17 back to the hospital, Raychel just wasn't in a state to
18 be out and about at all.
19 MRS FERGUSON: That's correct.
20 THE CHAIRMAN: And I think your husband's about to confirm
21 that the two of you are quite sure that Nurse McAuley's
22 evidence just can't be right.
23 MRS FERGUSON: It's not right. It can't be. It would be
24 a nice memory to have, do you know what I mean, instead
25 of the memory we're left with.

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1 MRS FERGUSON: That's what I'm thinking.
2 Q. Let me approach it from a different way. Did Raychel
3 seem interested in doing anything like colouring or
4 being out of bed so far as you can recall, past, say,
5 lunchtime?
6 MRS FERGUSON: No. Her interest -- she had no interest in
7 anything. She was just sleepy, dozy. Just wasn't --
8 MR FERGUSON: Raychel.
9 MRS FERGUSON: Her mind just wasn't here.
10 Q. So let's deal a little with her two brothers and the
11 little friend. In your evidence, the reference that
12 I just gave earlier, Mrs Ferguson, you said that Raychel
13 was in bed and appeared disinterested in them, which was
14 unlike her.
15 MRS FERGUSON: Yes.
16 Q. Nurse McAuley, I'm sure you're aware of her evidence, in
17 her witness statement for the inquiry, which is at
18 051/1, page 3, she says:
19 "Before going off duty at approximately 7.30,
20 I remember seeing Raychel Ferguson up and about, walking
21 in the corridor with her drip stand outside room I. She
22 was showing two small boys I took to be her brothers
23 some pictures on the wall."
24 MRS FERGUSON: Well, that I have to say is so untrue.
25 I mean, I would love to be sitting here today and saying

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1 MS ANYADIKE-DANES: [Inaudible: no microphone] goes on to
2 say that Raychel was fit and well and there were no
3 concerns. This is Staff Nurse McAuley's evidence on
4 5 March, page 189, starting at line 14. How do you
5 respond to that?
6 MRS FERGUSON: She said that was normal all day, they had no
7 concerns. We were the ones that had the concerns,
8 we were the ones that were telling the nurses. They
9 were the ones that weren't concerned. Even going to the
10 meeting in September, that's what we heard: we had no
11 concerns. This is all that we were hearing. Do you
12 know, looking back, people were thinking you're crazy,
13 like, but this was actually happening in front of us,
14 like, the nurses were saying every time it was natural,
15 it was normal after an operation to be sick.
16 THE CHAIRMAN: And that's the evidence they gave here, that
17 Raychel's vomiting was normal post-operative vomiting.
18 MRS FERGUSON: Yes, they had no concerns.
19 MS ANYADIKE-DANES: Leaving that aspect of what she said to
20 one side, she also describes Raychel as being fit and
21 well.
22 MRS FERGUSON: That's so untrue. Raychel was not fit and
23 well. If she had been, the Raychel we knew would have
24 been out with Jason and Jamie, and especially more so
25 when the other wee girl came over, Mrs McCullagh and her

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1 daughter, they had brought her a present, but she wasn't
2 interested. She was in a stare.
3 Q. Yes. Mrs McCullagh, she makes a police statement and
4 we can find it at 095-009-028:
5 "We arrived in her ward [that's Raychel's ward] some
6 time between 6.30 and 7. I could see that Raychel
7 looked very ill ... Raychel did not speak at all. She
8 was very restless and fidgety, very unsettled.
9 Raychel's mother tried to persuade her to talk, but she
10 did not respond in any way."
11 So this is another friend, this is a school friend
12 that came. Mr Ferguson, you brought, with the boys, a
13 friend from her street and Mrs McCullagh brought
14 a friend from her school. This is a description that
15 Mrs McCullagh gave in her police witness statement.
16 Does that fit with how you remember Raychel at that
17 time?
18 MRS FERGUSON: Yes, because Mrs McCullagh, whenever she was
19 leaving, I walked her to the ward door, she actually
20 thought Raychel was just out of having her operation.
21 She couldn't believe it when I told her that the
22 operation had taken place the night before.
23 Q. The other thing that she says -- and she says this in
24 her witness statement for the inquiry, at 319/1, page 2:
25 "I could see Raychel's mum holding a sick carton and

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1 Q. If we then move on to 9 o'clock, and this is
2 coffee-ground vomiting. This coffee-ground vomiting,
3 that's actually coffee-ground vomiting that was recorded
4 on Raychel's charts at 9 o'clock and was the first one,
5 although, Mr Ferguson, you would say that you told them
6 about specks of blood in her vomit earlier than that.
7 Mr Ferguson, you say in your police statement at
8 095-005-018 that:
9 "Around 8.45 or 9 o'clock, Raychel sat up in bed and
10 complained that her head was sore and she vomited blood
11 on her bed."
12 How well do you remember this?
13 MR FERGUSON: Well, that sticks in my mind. That really
14 sticks in my mind. The way she got up on the bed. Her
15 face was bright red, her two hands on her head,
16 shouting, "Daddy, daddy, my head's wild sore".
17 Q. And did you tell the nurses about that?
18 MR FERGUSON: I run out to the corridor and the first one I met
19 was Ms Noble. She was in a -- a trolley thing.
20 I explained what happened, Raychel's got up on the bed,
21 her face is bright red, shouting, "Daddy, daddy, my
22 head's wild sore". Her reaction was, "I'll be in now
23 and give her a paracetamol".
24 Q. You have, at least in one statement, possibly more,
25 expressed yourself as feeling very angry at the way

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1 she told me Raychel had been very sick."
2 Depending on when all that happens, Dr Devlin has
3 said that there was a vomit at 6 o'clock, which you
4 don't recall, but you are recorded as having remembered
5 a vomit within an hour of receiving the Zofran, which
6 would put that around 7 o'clock. That reference from
7 Mrs McCullagh as seeing you standing with a sick carton,
8 do you recall that at all?
9 MRS FERGUSON: Sitting here now, I don't recall it this
10 minute, like, but as I've said all along, there was that
11 many times that Raychel was sick that the trays would
12 have been sitting about and you would have been half
13 expecting for another one. That's the way ... The way
14 it was.
15 Q. Mr Duffy, the husband of Mrs Duffy -- and you presumably
16 you didn't know him either before this?
17 MRS FERGUSON: No.
18 Q. He gave a statement to the police and he says he got to
19 the ward at about 8 o'clock. His statement can be found
20 at 095-008-025. And he says he doesn't recall Raychel
21 up and walking. In fact, he then goes on to say maybe
22 he arrived closer to 9 o'clock because he says that he
23 saw vomit. So this is somebody from across the way --
24 is that roughly where he would be?
25 MR FERGUSON: The next bed.

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1 Nurse Noble dealt with that particular matter that you
2 drew to her attention. In fact, you say that at
3 095-005-019. She told you that she was going to bring
4 her paracetamol. Why were you so angry with her?
5 MR FERGUSON: It's the way Raychel got up on the bed.
6 I explained everything: Raychel was very unwell all day,
7 she had been sick all day, now she's got up with a sore
8 head, her face bright red. That's the reason I was so
9 angry at her response. The way I took it, they weren't
10 listening.
11 Q. Were you aware of them, quite apart from the vomits that
12 they have recorded and the ones you have told them
13 about, having to change Raychel's bed before, earlier
14 than 9 o'clock?
15 MR FERGUSON: I was there when she changed the bed one time.
16 I was there at one time when she changed the bed.
17 Raychel threw up on the bed. They're saying it's coffee
18 grounds, but it looked to me like blood over the bed.
19 They made her stand out the first time. She could
20 barely stand.
21 THE CHAIRMAN: Are we talking about 9 o'clock now or when
22 you say that --
23 MR FERGUSON: Soon after the headache. I'm sure she threw
24 up soon after the headache.
25 THE CHAIRMAN: You say you were there when they changed the

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1 bed one time; is this 9 o'clock?
2 MR FERGUSON: This is after the second episode of vomit.
3 Sorry, sorry, they changed the bed the first time, yes.
4 THE CHAIRMAN: At about 9-ish you're talking?
5 MR FERGUSON: Yes.
6 THE CHAIRMAN: I think Ms Anyadike-Danes was asking: do you
7 remember the nurses changing the bed at any earlier
8 point during the day?
9 MR FERGUSON: No.
10 THE CHAIRMAN: So this is the time when the bed is changed?
11 MR FERGUSON: Yes, sorry.
12 THE CHAIRMAN: Don't worry.
13 MS ANYADIKE-DANES: The reason I asked you that is Staff
14 Nurse Gilchrist believes that the bed was changed just
15 after 8 o'clock. Do you remember that now that I've put
16 it to you in that way?
17 MR FERGUSON: I'm not sure what time it was, but I do
18 remember Raychel had a headache and I do remember her
19 throwing up on the bed twice.
20 Q. Okay. Help us with this: you go and you tell the nurse
21 what you have just described, and she says she is going
22 to come along and give her some paracetamol; is that
23 right?
24 MR FERGUSON: Yes.
25 Q. Do you tell then your wife or do you wait until Staff

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1 Nurse Gilchrist.
2 Q. Let's pause there. It's two nurses that are changing
3 the bed and they do that twice, at the very least, and
4 you're watching. Do they say anything to you about
5 what's happened or why it's happening?
6 MR FERGUSON: I don't remember them saying anything. The
7 memory I have is Nurse Gilchrist saying she was going to
8 get a doctor.
9 Q. At which stage do you telephone your wife to tell her
10 that this is happening?
11 MR FERGUSON: It all happened that quick. I think it was
12 shortly after that then. I went out to the corridor and
13 phoned Marie. I'm not sure whether it was 9.30 -- 9.45
14 it could have been. I said to her, "These nurses aren't
15 listening to me". I says, "Raychel's actually up in the
16 bed right now". I says, "The sweat's running down my
17 back". I says, "She's complaining of a sore head", and
18 I explained what way it was, "Now she's starting to
19 throw up blood on the bed and they're not listening to
20 me at all".
21 Q. In fact, what you say in your police witness statement
22 is that you have that at about roughly 9.30, when you
23 phone your wife and you tell her that and more or less
24 exactly what you've just told the chairman now.
25 Mrs Ferguson, you say in your police witness statement

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1 Nurse Noble comes back with the paracetamol?
2 MR FERGUSON: I go back in to Raychel again. This is where
3 I'm confused here. I'm not sure if she came in
4 straightaway. It wasn't straightaway, I know that. It
5 was soon after she got the paracetamol that Raychel
6 threw up the blood over the bed. Nurse Gilchrist came
7 in with another nurse I don't recall. I don't know if
8 they got Raychel out of the bed or if she came out of
9 the bed, but she did sit on the bed, they changed the
10 bed, got Raychel back into bed. Soon after again,
11 Raychel threw up on the bed. I said, "Look, the wee
12 girl can hardly get out of the bed", so I lifted her and
13 put her on my knees. They changed the bed. I got
14 Raychel back and settled into her bed again. Soon after
15 again, Raychel threw up again, the three(?) of them.
16 Nurse Gilchrist come round with pillowcases and then
17 stuck a pillowcase under her chin, one on her chest, and
18 said, "If she's sick again, she won't have to get out of bed
19 -- she won't have to get out of bed". I mind her going
20 into her notes and looking at the notes, and she says,
21 "We'll get a doctor up now to check her out". I
22 remember saying, "There was a doctor up here already",
23 but as I'm saying this here, I know that there was a
24 doctor up here already that gave her stuff already that
25 hasn't signed for this. That's all I remember of

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1 that you told your husband to tell the nurses about
2 Raychel vomiting blood. Your response is that you were
3 sick of telling the nurses.
4 MR FERGUSON: That's what we had been telling them all day
5 through the day. The response was that it was only
6 natural. But the blood worried me, that was when she
7 knew it was worrying me, that was why she was getting
8 the doctor in.
9 Q. If I didn't already give it, that reference for your
10 police statement, Mrs Ferguson, is 095-002-007.
11 So you go on to say that you went and you -- the
12 nurse told you that she was going to get a doctor in
13 response to this. Was there any explanation, so far as
14 you can recall, as to why Raychel was being sick if
15 she's had medication specifically to deal with her
16 vomiting?
17 MR FERGUSON: I was told nothing. Nothing. I just found
18 Nurse Gilchrist looking at the notes and her saying,
19 "There was a doctor up here earlier on and he hasn't
20 signed for this, I'll get another doctor up now".
21 MR QUINN: I wonder if the witness could repeat that.
22 I couldn't hear and the transcript hasn't picked it up
23 very well.
24 THE CHAIRMAN: I think you said: I just remember
25 Nurse Gilchrist had the notes and she was saying that

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1 the earlier medication hadn't been signed for; is that
2 right?
3 MR FERGUSON: Yes, sir.
4 MS ANYADIKE-DANES: Do you know what notes she had? Were
5 they notes from the bottom of the bed or were you aware
6 of what the notes were?
7 MR FERGUSON: She lifted the notes from the bottom of the
8 bed.
9 Q. And looked at them?
10 MR FERGUSON: Yes. She had one knee up on the bottom of the
11 bed, looking at the notes. That's what stands in my
12 head.
13 Q. And it hadn't been signed for?
14 MR FERGUSON: It hadn't been signed for.
15 Q. Also, Mrs Ferguson, you recall when your husband was
16 telephoning you -- did he ask you to come in or did you
17 think you had better come in at this stage?
18 MRS FERGUSON: No. Whenever he phoned, he said, "Marie, you
19 need to come over here, our Raychel's throwing up blood
20 now and everything and the sweat's running down my back
21 and the nurses aren't listening". I said, "Go out an
22 say", and he said, "Well, they said they'd come in and
23 give her two paracetamol". So I had to go and get Jason
24 and Jamie sorted and Stephen and left then straightaway,
25 the way he said, "You'd better come over here now,

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1 seen what she was like before I left at 8. I wasn't
2 expecting her to talk because she never had talked the
3 whole day, so when she just opened her eyes and closed
4 them, I just thought ... She wasn't able to speak. If
5 she had wanted to say something, maybe she couldn't say
6 it.
7 Q. The nurses do get somebody and that somebody is
8 Dr Curran. This is Staff Nurse Noble's response to how
9 she perceived Raychel at that time. It's from the
10 transcript of her evidence, which is 27 February,
11 page 72. Perhaps we can go to that. If we start at
12 line 14:
13 "From what I recall, I knew Raychel had vomited and
14 I knew that she'd had a headache and Mr Ferguson had
15 said that she wasn't settled and she was easily roused.
16 I felt that if Raychel was given some pain relief that
17 she wouldn't vomit, and that maybe she would settle.
18 And when I assessed Raychel myself, she was able to
19 communicate with me, she was coherent and she was fully
20 cooperative whenever I tried to get her to assume the
21 position to receive a rectal suppository. So I felt
22 Raychel was actually cooperative at that time."
23 MR FERGUSON: She moved Raychel round into the position.
24 Q. She moved Raychel?
25 MR FERGUSON: She put Raychel into the position.

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1 Raychel's throwing up blood and everything".
2 Q. In your PSNI statement, you think you got back to the
3 hospital a little bit after 10 o'clock.
4 MRS FERGUSON: Around that, yes.
5 Q. And then you say that:
6 "Raychel was lying in bed and there was blood
7 trickling from the side of her mouth and there was blood
8 on the pillow and she was lying without opening her
9 eyes. Her colour was very pale and she was very
10 listless."
11 Just for the record that's 095-003-013. How clear
12 a recollection is that for you?
13 MRS FERGUSON: Quite clear. I remember -- I don't know if
14 it was on the pillow, maybe it was on the pillowcase,
15 but there was something at the side of her mouth and I
16 wiped it and she opened her eyes and she looked at me
17 and I thought, "She knows I'm here". But that was it,
18 she closed her eyes again.
19 Q. And in terms of how she appeared to you then, from how
20 she appeared when you had come back after 3 o'clock, so
21 when you came back at about 4 o'clock, how did she seem
22 then to you?
23 MRS FERGUSON: At the 10?
24 Q. Yes.
25 MRS FERGUSON: She had her eyes closed and, to me, I had

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1 Q. And what about the reference to "she was able to
2 communicate with me, she was coherent"? How about that?
3 MR FERGUSON: It wasn't -- she didn't communicate with me,
4 so she could hardly communicate with Ms Noble.
5 Q. Well, do you remember this particular incident when she
6 was being given the rectal suppository?
7 MR FERGUSON: I was there when she was given it. I was
8 sitting on the other side of the bed.
9 Q. There is also Staff Nurse Gilchrist's impression of how
10 Raychel was, and we find that in her transcript on
11 27 February -- sorry. In other words, you simply
12 disagree with this?
13 MR FERGUSON: Disagree with it. She put Raychel into
14 position and gave her the -- what she had to give her.
15 And when she was giving it to Raychel, Raychel only made
16 one wee sound and that was a "ugh" and nothing else.
17 She didn't speak.
18 Q. Did the nurse talk to you about what she was doing and
19 why and -- just her assessment. She said that she had
20 assessed Raychel; did she discuss that with you?
21 MR FERGUSON: If assessing her is giving her a painkiller
22 and saying, "She'll be all right now". If that's her
23 assessment, well, that's her assessment.
24 Q. Okay, let's take it little bit further back. So far as
25 are concerned, did she assess Raychel or did she

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1 administer the paracetamol by suppository?
2 MR FERGUSON: She came in, put Raychel on her side, gave
3 her a suppository, "That'll help her with her pain now",
4 and went out again.
5 Q. Well then, let's get to Dr Curran coming. Do you
6 remember that, Mrs Ferguson, or Mr Ferguson?
7 MRS FERGUSON: I don't remember it.
8 MR FERGUSON: After I came off the phone from Marie, I came
9 back on to the ward and I could see a man figure
10 standing, a thin man, very young, standing. He was just
11 getting up as I was coming in. And I took it he was to
12 give her an injection or something to stop her being
13 sick.
14 Q. Did he say anything to you?
15 MR FERGUSON: He never spoke.
16 Q. As far as you're concerned, was he aware you were there?
17 MR FERGUSON: I'm not sure he knew who I was. As he come
18 from the bed, I was coming in and he walked past me.
19 Q. So he may not have appreciated that you were coming to
20 the bed and that you were Raychel's father?
21 MR FERGUSON: He may not.
22 Q. After that had happened, did a nurse come to explain
23 what had just happened: they'd just got a doctor in and
24 the doctor had just administered this particular relief?
25 MR FERGUSON: I don't really -- no.

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1 Q. You remember a vomit at about 11?
2 MR FERGUSON: Around 11.
3 Q. Did it surprise you that she was vomiting even though
4 she'd been given more medication to deal with the
5 vomiting?
6 MR FERGUSON: I don't know what was ... I went back out
7 again and whenever the nurse was there assisting her, I
8 said to her, she's supposed to get something and she's
9 still sick. And actually, I think another couple or two
10 was coffee grounds too. I'm pretty sure it was coffee
11 ground too. I said, "She's still throwing up" -- the
12 way I put it is, "She's still throwing up blood".
13 Q. There is a coffee-ground vomit at 11 o'clock, you're
14 right about that, and it's recorded as such in her
15 charts. And Mrs Ferguson, you're in at about
16 10 o'clock; is that right?
17 MRS FERGUSON: Yes.
18 Q. But you don't see Dr Curran?
19 MRS FERGUSON: I don't recall Dr Curran at all, no.
20 Q. But are you aware of her vomiting after you get back in
21 at about 10 o'clock?
22 MRS FERGUSON: Vaguely. I vaguely remember that Ray did go
23 out. I just remember Ray vaguely going out and us
24 having a discussion that Raychel's still being sick.
25 Q. Did you know that Raychel had been given further

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1 THE CHAIRMAN: Was the doctor on his own?
2 MR FERGUSON: As far as I knew, the doctor was -- was
3 definitely on his own, yes.
4 MS ANYADIKE-DANES: Was there a nurse nearby?
5 MR FERGUSON: I don't recall a nurse nearby, no.
6 Q. Did anybody tell you what had just been administered to
7 your daughter and what their thoughts were for its
8 likely effect on her condition?
9 MR FERGUSON: As far as I remember, Nurse Gilchrist said she was
10 getting a doctor to give her something to stop her from
11 being sick.
12 Q. That was beforehand?
13 MR FERGUSON: That was beforehand. And that's why I took it
14 it was a doctor up then to give her something to stop
15 her from being sick. Nobody else came in afterwards and
16 told us anything about anything.
17 Q. And that happens at about 10 o'clock. There's also
18 a number of three small recorded vomits at 10 o'clock.
19 Do you remember that, Mr Ferguson?
20 MR FERGUSON: As I say, there are that many vomits, I don't
21 recall. I don't recall those ones at all. I could have
22 took them out, but I don't recall. The last one
23 I recall, I think it was 11, I think it was I took one
24 out, and met somebody in the corridor. That was the
25 last one I mean.

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1 medication to deal with that sickness?
2 MRS FERGUSON: I didn't know what it was. I think it was
3 Ray had said to me on the phone -- it mustn't have been
4 on the phone, it must have been when I got back to the
5 ward -- that a doctor was seeing to her, so I presume he
6 was giving her something to be sick -- stop her from
7 being sick.
8 Q. I don't mean did you know what she had been given, but
9 did you know that she had been given something to deal
10 with her vomiting?
11 MRS FERGUSON: Yes.
12 Q. Were you surprised that she was still vomiting because
13 now you would know that she had been given two lots of
14 medication to deal with her vomiting. Did it surprise
15 you that she was still vomiting?
16 MRS FERGUSON: I just couldn't believe that ... I didn't
17 realise that she could have that much vomit because this
18 was happening from the morning and now after 10 and now
19 she was throwing up blood. So I just couldn't think
20 what was going on.
21 Q. Can I ask you this: apart from that one or two caps of
22 7 Up, which I think Mr Ferguson said she vomited up
23 pretty promptly, were you aware of her taking anything
24 by mouth?
25 MRS FERGUSON: No. Just that capful of 7 Up. I remember at

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1 one stage we were saying her lips looked a bit dry,
2 I think we might have wet them, but I do remember her
3 drinking the capful of 7 Up. I can only remember the
4 one time.
5 MR FERGUSON: I can only remember her taking a sip of it.
6 She didn't actually finish it, she just took a sip of
7 it.
8 Q. Well, at that stage when Raychel is still vomiting,
9 after you now know she's had two lots of medication to
10 address it, and Mr Ferguson feels that the nurses are
11 either not overly concerned or maybe not taking him
12 overly seriously about the concerns he's expressing,
13 what was it you wanted to happen for Raychel at that
14 stage?
15 MRS FERGUSON: When you hear that a doctor came, we didn't
16 know if he was junior or senior at that stage, so
17 I would have thought that it was getting dealt with,
18 but ... Looking back now and knowing that she was
19 throwing up the blood and knowing that it was only
20 a junior doctor, I just can't believe that the nurses
21 didn't go and get somebody more senior. Nurse Noble
22 was -- I think, in her evidence, she probably would have
23 been more experienced than Dr Curran.
24 Q. You both leave sort of half past midnight, coming up to
25 1 o'clock, there or thereabouts. How is Raychel when

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1 now", and gave her -- let them have our phone number --
2 I think they had it, but I gave it to them again anyway,
3 and she said, "She had a very, very bad day, she'll
4 settle down now and sleep all night".
5 THE CHAIRMAN: And by that stage, she hadn't vomited from
6 about 11 o'clock, you're talking about 12.30 to 1, so
7 that about an hour-and-a-half or two hours, and given
8 what had gone on before, that seemed like a good run
9 without vomiting?
10 MRS FERGUSON: Yes.
11 MR FERGUSON: Yes, we thought she had settled down as she
12 hadn't vomited.
13 MS ANYADIKE-DANES: Did you see any changing of her pyjama
14 top before you left?
15 MR FERGUSON: I'm pretty sure it was changed earlier on.
16 Q. There seems to be, on one reading of the evidence,
17 a suggestion it was changed at about 12.35, 12.30,
18 something of that sort, which --
19 MR FERGUSON: I think [inaudible] maybe the first episode
20 when Raychel threw up the bed, they actually changed her
21 at that stage. I'm pretty sure it was at that time they
22 changed her.
23 Q. Staff Nurse McAuley and Gilchrist both think you left
24 a bit earlier than that, about 11.30. Is there any
25 reason why you would remember leaving a bit later than

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1 you leave?
2 MRS FERGUSON: She was sleeping whenever we left and
3 I remember going out and we met a nurse at the corridor
4 and said, "We're leaving now, and if Raychel wakes up,
5 could you phone us?", she said, "She's just had a bad
6 day, she'll probably sleep all night". And we left
7 then, taking that Raychel was sleeping.
8 Q. Well, given that she sleeping and the nurse has
9 explained matters to you in the way that you just had,
10 she's had surgery the night before, she's just had a bad
11 day, she's sleeping now and will probably sleep through
12 the night, what, if any, concerns did you have at that
13 stage?
14 MRS FERGUSON: Well, I thought maybe the vomiting had all
15 settled and she was sleeping, so when I left me and Ray
16 sat up for a good while afterwards talking about it, but
17 when the nurse reassured that she had just had a bad
18 day, I took it that it was a normal thing, maybe means
19 do be sick after an operation all day and I wasn't ...
20 MR FERGUSON: That's our -- when we left Raychel, we thought
21 she's settled down now and she'll fall asleep. She was
22 very peaceful, or so we thought. We went out to the
23 nurses and said to the nurses, "We're heading now and if
24 Raychel does happen to waken, she might be anxious
25 because not one of us is here". I said, "You can get us

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1 that, is there anything that puts that in your mind?
2 MRS FERGUSON: Yes, there was a clock up above the door,
3 a big round clock, and I remember looking up at the
4 clock. That's how I know it was 12.40. Plus the fact
5 when I was talking to my sister the next day, I was
6 saying to her we left at 12.40 and she said that time
7 will always stick with her because I told her we left at
8 12.40.
9 Q. You have described your increasing concern about
10 Raychel, really from the afternoon into the evening,
11 both of you have seen what you regard as a deterioration
12 in her condition. So is that conversation with the
13 nurse what puts, not at ease, but gives you some comfort
14 maybe that she's not now as seriously ill as you were
15 worried she might be?
16 MRS FERGUSON: Mm-hm. Because it would have been about
17 of -- like ... an hour, before we had left Raychel
18 wasn't sick, and she was sleeping and we would have been
19 there observing that she was sleeping. And then when we
20 went out and said to the nurse, "We're leaving now", and
21 she said, "She's just had a bad day", I thought it was
22 okay then, she had settled.
23 Q. I take it that if you had thought that she really was
24 ill at that stage, are there arrangements you could have
25 made? What would have been your response?

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1 MRS FERGUSON: All I would have to do is phone the
2 babysitter that I had to get to come over at 10. It
3 wouldn't have been a problem. If I thought she hasn't
4 settled, we wouldn't have left. We just wouldn't have
5 left.
6 Q. Was there any issue about the fact that for large parts
7 of the day and the evening, the two of you are actually
8 there? In your evidence earlier, you were being told
9 that you couldn't both stay with her over the night when
10 she had come back from her surgery, but did anybody take
11 any issue with you both being there during the day and
12 into the evening of the Friday?
13 MRS FERGUSON: No, nobody said the two of us couldn't stay
14 then. It was just after she had the operation
15 Nurse Noble said there's only one person can stay.
16 THE CHAIRMAN: Did you understand her to mean that it was
17 only in the middle of the night only one person can
18 stay, is that what she meant?
19 MRS FERGUSON: I don't know if she meant that only one
20 person can stay -- I picked up after the operation one
21 of us had to go, but during the day it was fine for the
22 two of us and then when you're going into the later part
23 of the evening, say at 8 when I went home and then when
24 Ray phoned me at 10, nobody suggested after that there's
25 only one can stay. Nobody had mentioned anything.

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1 go now into the sequence of events when you get the
2 phone call and you're called back into the hospital.
3 Do you want to take a break now? It's a sort of natural
4 lunchtime? Do you want to take a break now? We are in
5 your hands. We can have 45 minutes or an hour for lunch
6 or we can take 15 or 20 minutes just for a break.
7 Whatever you want to do.
8 MRS FERGUSON: Just five or ten minutes.
9 (1.26 pm)
10 (A short break)
11 (1.36 pm)
12 (Delay in proceedings)
13 (1.51 pm)
14 MS ANYADIKE-DANES: You leave and the next thing that
15 happens is you receive a telephone call from the
16 hospital.
17 MRS FERGUSON: Yes.
18 Q. And is this the call that comes to you on the telephone
19 that you were explaining to the chairman is downstairs?
20 MRS FERGUSON: Yes.
21 Q. And who hears that call?
22 MRS FERGUSON: Ray.
23 MR FERGUSON: Me, I ran down and answered it.
24 Q. Raychel had a seizure at about 3 am that Saturday
25 morning. You know that the nurse is of the view that

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1 MS ANYADIKE-DANES: I think Nurse Noble's position is that
2 that was hospital policy, but she wouldn't have forced
3 you out if you had both really wanted to stay. And
4 that's in the transcript of her evidence of 27 February
5 at page 4, line 13. That was her position. What she
6 told you about only one could stay at night, that was
7 the hospital policy that she was telling you about, but
8 if you had felt strongly about it, she wouldn't have
9 forced one of you out.
10 MRS FERGUSON: No, she made it pretty clear that only one
11 could stay.
12 THE CHAIRMAN: On the Friday morning after the operation,
13 you were there until about 6 and your husband stayed on.
14 MRS FERGUSON: Yes, because we were having a discussion who
15 would stay and I thought --
16 THE CHAIRMAN: It seemed a bit odd that one of you had to go
17 home at 6 o'clock, but it's okay to be there at 3 and 4
18 and 5.
19 A. Yes, I just thought, well, I'm just going to sit here
20 until ...
21 MS ANYADIKE-DANES: So you both go home and if we now come
22 to the point where you receive --
23 THE CHAIRMAN: Well, let's not. It's 1.25. You've been
24 giving evidence from 10 and, in this run, you've been
25 giving evidence since just after midday. We're going to

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1 they were trying to reach you and had not been
2 successful in doing that. Your evidence, in your PSNI
3 statement, is that if they had tried to reach you, it
4 was not on that number, because you have caller display
5 and you would know if there are missed calls.
6 MR FERGUSON: That's correct.
7 Q. So this is the first time you hear the telephone?
8 MR FERGUSON: Yes. It was a withheld number.
9 Q. Sorry?
10 MR FERGUSON: It was withheld.
11 Q. So then -- I see. So you didn't know who it was coming
12 from, but you heard the call?
13 MR FERGUSON: We heard the call, yes.
14 Q. What's said to you so far as you can remember when you
15 answer?
16 MR FERGUSON: Raychel had awakened up and she's having
17 a seizure, as far as I -- I'm nearly 100 per cent they
18 said it was a seizure or a fit. And then repeated, yes,
19 it's a seizure or fit. I said, "I'll come over right
20 away".
21 Q. Did you know at that time how serious that was?
22 MR FERGUSON: Not at the time, no.
23 THE CHAIRMAN: Can we confirm what time we're talking about?
24 MS ANYADIKE-DANES: At the time he received the telephone
25 call.

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1 THE CHAIRMAN: Yes. What time in the morning?
2 MS ANYADIKE-DANES: What time did you receive the telephone
3 call?
4 MR FERGUSON: 3.45, I think it was, or just before it.
5 Q. Sorry, I should have given you that. What you said in
6 your PSNI witness statement is at 095-005-019:
7 "At 3.45, the phone rang and I answered it. It was
8 the hospital who told me they had tried to ring us a
9 couple of times. I have a caller display phone and
10 I know that they hadn't as there were no missed calls
11 displayed. The hospital asked us to return. They told
12 us Raychel had taken a seizure. I went to the hospital
13 alone arriving around 4 pm."
14 That was your evidence in 2005 to the PSNI.
15 MR FERGUSON: Our phone has a caller display, it brings up a
16 number or "withheld number", but if you miss a call,
17 there's a red light that flashes on it, it let's you
18 know whether you missed a call.
19 THE CHAIRMAN: That wasn't an answering machine?
20 MR FERGUSON: It wasn't an answering machine. Even if you
21 missed the call, it let you know: a red light flashes on
22 it and lets you know you missed a call.
23 THE CHAIRMAN: It's still the case on some phones that if
24 you ring from an extension, then the number of the
25 caller doesn't come up.

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1 Q. So more that she was upset that you weren't there?
2 MR FERGUSON: That's what I was picking up. That wasn't
3 explained to us any more on the phone than just to say
4 a seizure, a fit. I just can't mind now.
5 Q. Your evidence in your PSNI statement is the hospital
6 asked you to return.
7 MR FERGUSON: Yes. She said, "Could you come over?",
8 I said, "I'll be over right away".
9 Q. You offered to go right away. Was there any urgency in
10 the way it was suggested to you that you came back?
11 MR FERGUSON: I don't recall. It was, "Could you come
12 over?", I said, "I can come over right away". I phoned
13 a taxi and said to Marie up the stairs, "Raychel's
14 wakened up, they've asked us to go over, I think she's
15 having a fit because we're not there".
16 Q. Okay. So you get the taxi and you arrive. And in that
17 same witness statement, you feel that you arrived some
18 time in or around 4 o'clock in the morning?
19 MR FERGUSON: If it wasn't 4-ish, it was just shortly after
20 it.
21 Q. And you describe what you saw, but I wonder if you can
22 help us.
23 MR FERGUSON: I got dropped off and rushed up -- I actually
24 run up the stairs. There were six, I run up the stairs.
25 As soon as I came on the ward and there were

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1 MR FERGUSON: It still comes up "withheld".
2 THE CHAIRMAN: There's nothing sinister about that, it's
3 just the way it comes up?
4 MR FERGUSON: Yes.
5 MS ANYADIKE-DANES: Your point is not that the number was
6 withheld; your point is you could tell from the lack of
7 a flashing light and the lack of a sign "withheld" that
8 your phone had not been dialled that evening.
9 MR FERGUSON: Yes, it would actually come up if I missed
10 a call. You can go back "withheld, withheld, withheld"
11 and then the number and the number. It actually tells
12 you the number if someone's trying to ring you and if
13 it's a withheld number, it tells you "withheld". You
14 can go back -- I think it's about 30 or 40 it goes back
15 to.
16 Q. When you were told a seizure or a fit, what I was asking
17 you is, at that time, how serious did you think that
18 was?
19 MR FERGUSON: I didn't think it was serious at the time.
20 Q. What did you think?
21 MR FERGUSON: I thought she's taken a fit because we weren't
22 there.
23 Q. Oh.
24 MR FERGUSON: She wakened up and she's seen not one of us
25 there and she's gone on one of these fits.

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1 [inaudible] -- they were all round Raychel's bed. And
2 I think I could be wrong, I think Nurse Gilchrist was
3 there, and she said, "Raychel, there's your daddy".
4 Raychel wouldn't even have known I was there -- she was
5 shaking and everything was all tensed up and she was
6 just shaking on the bed and I do recall -- I don't know
7 if it was a nurse or a doctor, I could be -- somebody
8 said to me, "Raychel's seriously ill". That's all I was
9 told.
10 Q. That she was seriously ill?
11 MR FERGUSON: She was seriously ill.
12 THE CHAIRMAN: Was she still at her bed or had she been
13 moved at that stage?
14 MR FERGUSON: No, she was still in her bed and there was
15 some kind of machine around her. I don't know what it
16 was. It was shortly after that one of the nurses lifted
17 her and run with her.
18 MS ANYADIKE-DANES: When you answered the call, the
19 hospital, in your evidence, told you that they tried to
20 reach you or ring you a couple of times and you go on to
21 give your evidence as to how in your view that can't be
22 right. Did you respond to that at that time or even
23 later?
24 MR FERGUSON: I don't recall. I don't think so. I don't
25 think so.

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1 Q. So you've described her shaking, she was lying down, and
2 you went over to the bed and get closer to her?
3 MR FERGUSON: I actually grabbed her by the arm. Her arm
4 was all tensed up. I says to her, "Raychel, your
5 daddy's here. Raychel, your daddy's here". She didn't
6 respond.
7 Q. Were her eyes open?
8 MR FERGUSON: No -- I don't recall if her eyes were open or
9 closed. I don't think they were open, though.
10 Q. You've described in that witness statement that the
11 nurses then lifted Raychel out of bed and took her to
12 the treatment room and when you go back over that series
13 of events in your statement for the inquiry, which we
14 don't need to pull up, but it's 021/1, page 12, you
15 describe the scene as "complete chaos" when you get
16 there. What do you mean by that?
17 MR FERGUSON: They're all running. I don't know how to
18 explain it. It's hard to explain. They're just -- they
19 were working on her, and then another one was working on
20 her and another one was working on her and another one
21 was working on her. That's why I explain it as chaos,
22 there were that many round the bed.
23 Q. And the information that you got was that she was very
24 seriously ill?
25 MR FERGUSON: Seriously ill.

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1 you stayed in that room until your wife came?
2 MR FERGUSON: Yes.
3 Q. Were you told to wait there while they dealt with
4 Raychel in the treatment room?
5 MR FERGUSON: I don't think I was told. I was actually
6 brought into that room and sat down.
7 Q. And were you given any indication as to when somebody
8 would come and talk to you?
9 MR FERGUSON: No.
10 THE CHAIRMAN: Did somebody say, "Mr Ferguson, we'll be with
11 you as soon as we can", or something as general as that?
12 MR FERGUSON: I don't recall it. It could have happened,
13 but I don't recall it.
14 MS ANYADIKE-DANES: Are you still there when your wife
15 comes?
16 MR FERGUSON: Yes, I think I was still sitting in the room
17 then .
18 Q. So from your point of view, Mrs Ferguson, you get a call
19 from your husband, but you had known that he had already
20 gone to the hospital?
21 MRS FERGUSON: He said I thought she had just woken up and
22 we weren't there. Ray said, "Don't be driving too fast
23 or anything". I remember going over the new bridge, and
24 you could see the hospital and I said, "I won't be long,
25 Raychel". I remember saying, "I won't be long, Raychel,

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1 Q. Did you telephone your wife?
2 MR FERGUSON: I went out and telephoned Marie.
3 Q. What did you tell her?
4 MRS FERGUSON: He told me, "Marie, you need to come over,
5 our Raychel's not well. You need to come over. But
6 don't be driving" --
7 Q. At that stage, Mr Ferguson, you'd been told that she was
8 seriously ill, but were you able to grasp how serious
9 Raychel's condition was?
10 MR FERGUSON: It wasn't sinking in. I just didn't realise
11 how bad she was.
12 Q. And you've described the nurses lifting Raychel and
13 taking her to the treatment room. Is that when you then
14 go and telephone your wife, when she's in the treatment
15 room?
16 MR FERGUSON: I don't recall if it was before that or a bit
17 after it. I think it was before it because I do mind
18 telephoning Marie and when Raychel was taken to the
19 treatment room, I was took away to a wee room then. So
20 I think it was before it.
21 Q. And then you say in your statement to the inquiry what
22 you have just said then, that you were taken to a side
23 room, made a cup of tea, phoned your wife and told her
24 to come over right away, and then your wife did arrive
25 and she went to find out what she could. Does that mean

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1 I'll be there in a wee minute". And then when I got
2 there, I was taken upstairs, I think it might have been
3 Nurse Noble came in, and she said Ray was in that room.
4 I went in ... Ray was crying and I said, "Where's
5 Raychel, what's wrong?" He just said, "Raychel's not
6 well". I remember somebody giving me a cup of tea and
7 I went out and telephoned my sister. She didn't take
8 that long to come. And I remember Dr McCord -- I don't
9 know where Ray was at that stage -- coming and saying
10 something about Raychel's sodium, if they could only get
11 her sodium up, but I think he said at that stage too
12 that Raychel was seriously ill, but again I never knew
13 how bad she was.
14 I remember saying to Ray, "Can I see her?", and he
15 said, "No, not yet", and we had to wait until -- I don't
16 know what was happening.
17 THE CHAIRMAN: I'm sorry to ask you to go back. Did you say
18 a moment ago that you think that Dr McCord said that it
19 was too late?
20 MRS FERGUSON: No, "If we could only get her sodium up".
21 THE CHAIRMAN: Right, okay. Go on.
22 MR QUINN: The sodium was too low.
23 THE CHAIRMAN: Thank you.
24 MR QUINN: And the doctor said, "If we could only get her
25 sodium up". That was the comment.

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1 MS ANYADIKE-DANES: Did you understand what that meant?
2 MRS FERGUSON: At the time I didn't know, I thought it was
3 just something that would be quite simple to do.
4 I didn't realise what sodium was, to be honest with you,
5 then.
6 Q. It may be that you don't actually and you could be
7 easily forgiven for not remembering the full detail of
8 what you were being told, but can you remember being
9 told anything else apart from the fact that her sodium
10 was too low and if only it could be brought up?
11 MRS FERGUSON: That's all I remember. That's all that was
12 said by Dr McCord.
13 Q. Did you know what they were doing with her at that
14 stage?
15 MRS FERGUSON: All I know is she was in the treatment room
16 at that stage and I do remember someone saying that they
17 can't move her. That would have been probably before
18 she went down to the ICU. I don't know what was
19 happening, but I know at that particular stage I know
20 they couldn't move her.
21 Q. Do you remember Dr McCord saying they would be taking
22 her for a CT scan?
23 MRS FERGUSON: I don't remember him saying that, but I
24 remember him down at ICU.
25 Q. It may be -- I think you were nodding your head,

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1 I remember Raychel's eyes was half open and it was like
2 they were glazed and I just remember talking to her.
3 She was just lying there. That's all I can remember of
4 that, but there was other people in the room.
5 Q. And did anybody say anything to you at that stage about
6 her condition and what they were doing, what they were
7 trying to do?
8 MRS FERGUSON: I don't mind anybody saying anything at that
9 stage. I think it was really just for us to go and see
10 her because we had been asking to see her and I think it
11 was really just so that we could see her.
12 Q. Did anybody tell you at that stage that they would come
13 later and explain what was happening and what had
14 happened?
15 MRS FERGUSON: I can't recall at the minute.
16 THE CHAIRMAN: Are there likely to have been things that
17 were said to you during this time that you wouldn't have
18 remembered?
19 MRS FERGUSON: They would have been, like.
20 MS ANYADIKE-DANES: Let's move to the time when she is moved
21 to have the CT scan. Do you remember that?
22 Mr Ferguson, do you remember her going for that?
23 MR FERGUSON: I just remember her being pushed down
24 a corridor and getting in the lift. The next thing in
25 my memory is Dr McCord coming out and speaking to us.

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1 Mr Ferguson. Do you remember that?
2 MR FERGUSON: I can vaguely recall somebody saying she's
3 gone down for a scan.
4 Q. You do say something like that in your witness statement
5 for the inquiry. It's 021/1, page 12. You say that:
6 "My next memory is going in to see Raychel with my
7 wife and sister-in-law, still on the ward. She was
8 unconscious and a lot connected to her. I recall
9 a doctor, Dr McCord, a grey-haired man -- if I have his
10 name right -- telling us that Raychel was going for a
11 CAT scan, or words to that effect. We then seen Raychel
12 being taken out and we followed and we waited for what
13 seemed a very long time and then a doctor came back
14 out."
15 Just pausing there, before we get to what you might
16 have been told about that CT scan: Mrs Ferguson, do you
17 remember the first time you saw Raychel after you
18 arrived back at the hospital?
19 MRS FERGUSON: Yes.
20 Q. Where was she at the time?
21 MRS FERGUSON: It wasn't the ward she was in, it was in the
22 treatment room.
23 Q. And what was happening?
24 MRS FERGUSON: There was -- I don't know, but there was
25 people there, it was me, Ray, and my sister, Kay. And

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1 Q. Did you know at that stage where they were taking her
2 and what for?
3 MR FERGUSON: As far as I can recall, she was going for
4 a scan on her brain.
5 Q. And did you know why they were doing that?
6 MR FERGUSON: I don't.
7 Q. Could you have been told and simply in the moment you
8 can't remember?
9 MR FERGUSON: I could have been told, but we were so upset.
10 Q. Of course.
11 MR FERGUSON: I just don't remember anyone speaking to us at
12 that time. They could have done, but I have no
13 recollection of it.
14 Q. When you dealt with this part in your witness statement
15 from the inquiry, you said that, after you'd waited for
16 a long time, a doctor came out and said her brain scan
17 came back and it was clear and you think that that
18 doctor was Dr McCord, the grey-haired man. That's at
19 021/1, page 12; do you remember that?
20 MR FERGUSON: I can remember a doctor coming out and
21 speaking to us, saying her brain scan's come back and
22 it's clear, but it's her sodium's that low. I think it
23 was at the same time as the time he came out.
24 Q. What did you understand by him, whoever it was, saying
25 the brain scan was clear? What did it mean to you?

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1 MR FERGUSON: That means her brain was clear, that means
2 there was nothing wrong with her brain [inaudible]. It
3 was kind of a relief when we got that, but then in his
4 next breath he says they wanted a second --
5 MRS FERGUSON: Belfast requested a second one.
6 Q. Mrs Ferguson, do you remember that being told that the
7 brain scan was clear?
8 MRS FERGUSON: Yes, it was Dr McCord because I remember
9 saying to my sister at that stage, "Thank God, her
10 brain's clear". And I think it was just quite shortly
11 after that I had noticed Mr Nesbitt coming through
12 double doors. Where we were sitting, it would have been
13 quite dark. I didn't know it was Dr Nesbitt then.
14 I remember seeing Dr Nesbitt coming in, but Dr McCord
15 did say that her brain was clear.
16 Q. Did you understand why they were having a brain scan
17 done of Raychel?
18 MRS FERGUSON: I couldn't understand it at all.
19 Q. When he said it was clear, you interpreted that in
20 a certain way, a positive way?
21 MRS FERGUSON: Yes.
22 Q. Did he say any more to you about the significance of the
23 fact that it was clear?
24 MRS FERGUSON: He just said that the scan was clear. I'm
25 not sure if it was Mr McCord that came out the second

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1 Q. -- this is just to follow on from the reference I gave
2 previously -- and that you had to wait again and that:
3 "A doctor advised us that she was very ill and he
4 then advised that they had found a trickle of blood on
5 the back of Raychel's head, inside her skull, and that
6 she was going to intensive care in Altnagelvin. My next
7 memory is when I was that in a side room, an intensive
8 care nurse came in, and we were allowed to go and see
9 Raychel."
10 I'll just pause there before the next bit that
11 comes. But in any event at that stage, was anything
12 told to you about what might be done if that was
13 actually the case, that there was blood in her brain?
14 MR FERGUSON: We believed that -- we were sitting in a side
15 room of intensive care, it was myself Marie and Marie's
16 sister, Kay. We were sitting -- I don't know if it was
17 a doctor or a nurse, but a man with a dark hair and dark
18 beard came and sat beside us and started to explain that
19 she was going to the Royal for an operation. I asked
20 him how long it would be until we knew if she's going to
21 be brain damaged, he said two to three weeks. I asked
22 how long it would be until we knew if everything is
23 going to be okay, he said two to three weeks.
24 Q. So this was all just while you're sitting there?
25 MR FERGUSON: I think it's before we actually went and seen

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1 time and said that Belfast had said that they had
2 noticed the second scan showed like a trickle of blood
3 to the outside of the brain.
4 Q. Yes. Do you think that was him reporting that to you?
5 MR FERGUSON: I think it was him. I don't think Marie think
6 it was, but I think it was Dr McCord who came out the
7 second time.
8 THE CHAIRMAN: That's okay.
9 MS ANYADIKE-DANES: In any event, though, very close to that
10 time when you were told that the brain scan was clear,
11 you received the information that they thought they
12 could see a trickle of blood. Both of you remember
13 that?
14 MR FERGUSON: Yes.
15 MRS FERGUSON: Yes.
16 Q. Were you told what that might mean?
17 MRS FERGUSON: No, I wasn't told.
18 MR FERGUSON: Not at the time. All we were told is she was
19 seriously ill and she was going to -- as far as we were
20 concerned, she was going to the Royal as soon as we
21 could get a bed in the Royal.
22 Q. You carry on in your inquiry witness statement,
23 Mr Ferguson, to say that you were told they wanted to do
24 a second CT scan --
25 MR FERGUSON: Yes.

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1 Raychel.
2 Q. Do you remember that, Mrs Ferguson?
3 MRS FERGUSON: Yes. Those questions with the man with the
4 dark hair, that was all up at intensive care. And
5 I remember a wee nurse coming up. When she put her hand
6 on my knee and she said that she was so sorry and
7 I remember saying to my sister, "She's going on as if
8 Raychel's dead".
9 THE CHAIRMAN: So insofar as you could take in what was
10 going on around you, you were getting mixed messages?
11 MRS FERGUSON: Yes.
12 THE CHAIRMAN: You were getting one message that over the
13 next couple of weeks she was going to be okay or not?
14 MRS FERGUSON: We were told that quite clear by the man with
15 the beard, the dark hair.
16 MS ANYADIKE-DANES: Is that a clear memory of yours or
17 something that you think might have been said?
18 MRS FERGUSON: No, it was clear.
19 MR FERGUSON: That's absolutely clear because I mentioned
20 it -- I think it was a family room we were sitting in
21 and I remember him saying to us, "She's going to the
22 Royal for an operation", and I started asking him
23 questions about brain damage and whether she's going to
24 be okay and everything was "two to three weeks".
25 Q. And you think, Mr Ferguson, that that exchange happened

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1 before you actually went in to see Raychel, doing the
2 best you can?
3 MR FERGUSON: I think it was before we seen Raychel, yes.
4 Q. You've actually tried to identify who that person is.
5 Have you had any success in trying to work out who you
6 think it is who gave you that information, the
7 information about the surgery.
8 MRS FERGUSON: How did we identify who?
9 Q. Have you been able to work out who you think told you
10 that?
11 THE CHAIRMAN: Who do you think it is?
12 MRS FERGUSON: Mr McMenamin(?), I'm nearly sure.
13 MS ANYADIKE-DANES: McMenamin?
14 MR FERGUSON: Gerry McMenamin.
15 MS ANYADIKE-DANES: And do you know whether, to this day,
16 he was a nurse or a doctor?
17 MRS FERGUSON: You see, at the time he seemed to be wearing
18 one of those -- I don't know if he was like a scrub or
19 -- he had one of them outfits on.
20 Q. Was anybody else, either nurse or doctor, with you when
21 that was being said?
22 MR FERGUSON: My recollection of it was only him that said
23 to us. It was just done by himself.
24 Q. How did you come by his name?
25 MRS FERGUSON: Somebody I know that works in the hospital.

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1 told you that?
2 MRS FERGUSON: No, nobody. I couldn't understand when we
3 did go in that there was a priest there because, to me,
4 if you're given the last rites, then you're going to die
5 or you're dying. But I said, "Raychel's not dying",
6 because we weren't told she was going to die.
7 MR FERGUSON: We weren't told, no.
8 Q. A priest was there. Who else was there at that time?
9 MRS FERGUSON: There was me, Ray and I think my sister, Kay,
10 was in.
11 Q. No other nurse or doctor at that stage?
12 MRS FERGUSON: I think there was somebody at the far side,
13 but I can't be accurate, but I do think that there
14 was ...
15 THE CHAIRMAN: You don't have intensive care without a nurse
16 or a doctor.
17 MR FERGUSON: There was somebody there, yes.
18 MS ANYADIKE-DANES: Do you know how the priest came to be
19 there to administer the last rites to Raychel?
20 MRS FERGUSON: I don't know.
21 Q. Even since, has anyone told you how that happened?
22 MR FERGUSON: I have a vague memory -- I could be wrong --
23 one of the nurses said it's only routine.
24 Q. Sorry?
25 MR FERGUSON: I think one of the nurses said it's routine to

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1 I had explained and they had said that he's still there,
2 he's been there a long time. So the description I was
3 giving seemed to fit this particular person. I could be
4 wrong, but it seems to fit and I was told he's been
5 there for a long time.
6 MS ANYADIKE-DANES: Maybe we'll make some enquiries,
7 Mr Chairman.
8 MR STITT: I hate to interrupt at a difficult time for the
9 witnesses in their evidence, so I interrupt with
10 respect. If there is a doctor and the information is
11 accurate, obviously it's something which we would have
12 acted on if we had known that. I'm not quite sure where
13 we go in relation to this.
14 THE CHAIRMAN: We'll pick it up at the next stage. We won't
15 develop that further today because you will make
16 enquiries of a Mr McMenamin and we will find out if the
17 Fergusons' understanding is correct. It's a slightly
18 imprecise identification, so we will see if we can firm
19 it up.
20 MS ANYADIKE-DANES: Mr Ferguson, you say that when you went
21 in, Raychel was receiving the last rites; is that
22 correct?
23 MR FERGUSON: Yes.
24 MRS FERGUSON: Yes.
25 Q. Had you known that that was going to happen, had anyone

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1 have a priest. I could be wrong. I have a vague memory
2 of it.
3 Q. What happens then after you've gone in?
4 MR FERGUSON: We're actually told she's going to the Royal
5 for what we thought was an operation and they're waiting
6 for an ambulance and a police escort to get there as
7 quick as possible.
8 MRS FERGUSON: And a bed would become available.
9 MR FERGUSON: And waiting for a bed to become available.
10 Q. You say, Mrs Ferguson, in your deposition, and the
11 reference is 012-028-146:
12 "A doctor in ICU with a beard said she was very
13 seriously ill and that there was a lot of pressure
14 inside her head and they would operate to reduce the
15 pressure. We were told it would take a week or two
16 weeks before we would know what was wrong."
17 And then you go on to say in your witness statement
18 to the inquiry:
19 "We both believed and understood that she was going
20 for an operation to the Royal as a result of what
21 we were told, in particular by the doctor [as you
22 thought he was then] with a beard."
23 Then you go on to say that you remember Dr Nesbitt
24 coming. Apart from that person with the beard, did
25 anybody else indicate to you that surgery was an option

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1 for Raychel?
2 MRS FERGUSON: Not that I recall. I recall the man with the
3 beard quite clear, but I don't remember anybody else
4 saying it or hearing it mentioned.
5 MR FERGUSON: Or I don't.
6 Q. Is that your recollection of the main reason Raychel was
7 being transferred to the Children's Hospital?
8 MRS FERGUSON: Yes, because of the trickle of blood and then
9 we were told she was getting an operation.
10 Q. Apart from that discussion, did anybody discuss with you
11 the results of the second CT scan?
12 MRS FERGUSON: I think that's where the trickle of blood
13 came because the first one was clear, so somebody must
14 have said -- I don't know who it was -- that they saw
15 a trickle of blood and she'll be going to the Royal. So
16 the first one was definitely clear and then the second,
17 there was a trickle of blood.
18 Q. You probably now know that the reason why they wanted
19 a second one is that they wanted a more enhanced CT scan
20 and the upshot of that was that they actually ruled out
21 the presence of blood in the brain as they had
22 originally thought. And the evidence has been that once
23 they ruled that out, there really wasn't a prospect of
24 surgery, so far as the people in Altnagelvin were
25 concerned, that could do anything to assist Raychel.

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1 going for an operation -- I don't know if it was by
2 a doctor or a nurse, that's my recollection -- and she
3 was going for an operation. That's why they were
4 getting this blue light up to the Royal Victoria.
5 MS ANYADIKE-DANES: I take it from the other family members
6 that were there, certainly your sister-in-law and
7 Raychel's aunt, that that was the view she shared as
8 well, that that's what Raychel was going to the
9 Children's Hospital for.
10 MRS FERGUSON: Yes, she thought the same, but looking back
11 my sister had said to me, whenever she'd seen Raychel at
12 5 -- she didn't tell me, but this was her thought -- she
13 said that she thought Raychel was already dead.
14 Q. Does she have any nursing training?
15 MRS FERGUSON: No.
16 Q. But that's how Raychel appeared to her?
17 MRS FERGUSON: Yes.
18 Q. Mrs Ferguson, you say you remember roughly at about this
19 time Dr Nesbitt coming through, and you described that
20 in your witness statement. Did he talk to you about
21 Raychel?
22 MRS FERGUSON: My first time seeing Dr Nesbitt would have
23 been down at intensive care, I just remember the double
24 doors and him coming in through. But ...
25 Q. Yes, that's what you describe. I specifically recall

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1 MRS FERGUSON: Mm-hm.
2 Q. And it would seem therefore that that view was formed
3 before Raychel was transferred to the Children's
4 Hospital, and the reason why they were transferring her
5 to the Children's Hospital is because the cerebral
6 oedema, the swelling in the brain, was so serious that
7 that was the right place for her, that specialist unit,
8 paediatric intensive care in the Children's Hospital.
9 So it was because she was very, very seriously ill, but
10 not because anybody at that stage was thinking that
11 there was anything that actually could be done from
12 a surgical point of view. Did you leave Altnagelvin
13 still thinking that surgery was a possibility for
14 Raychel?
15 MRS FERGUSON: Yes. That's what we were told, so whenever
16 we got to the Royal, I remember Mr Nesbitt coming out,
17 but when the doctor first said that this was a waste of
18 time, I couldn't believe what he was talking about.
19 I thought Raychel's getting an operation and he said
20 that there wouldn't be an operation.
21 THE CHAIRMAN: That's the doctor in the Royal?
22 MRS FERGUSON: Yes.
23 MR FERGUSON: My recollection is everything you said, we
24 weren't told. We weren't told about the second scan.
25 All we knew is it was a trickle of blood and she was

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1 Dr Nesbitt coming through the double doors carrying
2 a brown briefcase. And then you put that time in the
3 early hours of the morning, around 6 am or thereabouts.
4 MRS FERGUSON: Yes.
5 Q. And does he come and explain anything about Raychel's
6 condition, their thoughts about that?
7 MRS FERGUSON: My next memory of Dr Nesbitt would have been
8 he was the man that was taking Raychel in the ambulance
9 and I remember him saying that we couldn't travel, we'd
10 have to go in the car and a nurse or something would be
11 going along with him and if we see the ambulance
12 stopping, just to drive on. That's what it was.
13 Q. Let me pull up for you what Dr Nesbitt has said is his
14 view of the discussions. Witness statement 035/1,
15 page 5. In fact, it starts right at the top there. In
16 his view he spoke to you, Mrs Ferguson, in the intensive
17 care unit at Altnagelvin after the CT scan. He thinks
18 it was about 10 o'clock, so quite a bit after you first
19 saw him coming through the double doors. He said that
20 he explained that Raychel's condition was extremely
21 serious and that:
22 "We were unsure as to the reason for her brain
23 swelling."
24 If I stop there, had you been told that Raychel's
25 brain was swelling at that stage?

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1 MRS FERGUSON: Not definitely. I don't recall. I don't
2 recall Mr Nesbitt saying that.
3 Q. Even if it's not Mr Nesbitt, did you know at that stage
4 that a concern they had was that Raychel's brain was
5 swelling?
6 MRS FERGUSON: No. As I say, the trickle of blood and Ray
7 remembers the man with the beard saying pressure.
8 Q. He told you that they were unsure why her brain was
9 swelling and that brain swelling was what the scan had
10 revealed:
11 "I told her there was a possibility that there could
12 have been a bleed into her brain, a subarachnoid
13 haemorrhage, and that we had contacted the neurosurgeons
14 in Belfast and were treating Raychel as they had
15 requested and I explained it would be necessary to take
16 Raychel to the Royal Belfast Hospital for Sick Children
17 so that the experts in treating her condition could take
18 over her care and I tried to give whatever comfort
19 I could, but had to emphasise that the situation was
20 extremely serious."
21 Do you remember any of that?
22 MRS FERGUSON: I'm not saying that Dr Nesbitt didn't speak
23 and maybe said some of those things, but he definitely
24 never mentioned anything about swelling. He could have
25 spoken to us in intensive care at that stage. I was ...

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1 follow the ambulance and he said you understood the
2 reason for that.
3 MR FERGUSON: Yes.
4 Q. So you certainly remember that bit and he remembers
5 telling you that. He goes on in his evidence to say:
6 "I next spoke to Raychel's relatives, including her
7 mother ..."
8 We'll come to that in a minute. At this stage,
9 they're arranging for Raychel to be transferred to the
10 Children's Hospital. So there's the intensive care
11 nurse there, the two of you are there, and they're just
12 monitoring her and keeping her stable: is that correct?
13 MRS FERGUSON: Yes, but by that stage all her family members
14 had come over then.
15 Q. So your sister, Kay, she's there, is she?
16 MRS FERGUSON: Yes. My mother was there, my father was
17 there, my other sister was there, Ray's brother.
18 Q. Can I ask you about Raychel at that stage: is she
19 moving, how does she appear to you?
20 MRS FERGUSON: She just looked the same when I seen her at
21 5: her eyes were just half open and glazey.
22 Q. Are there any movements at all that you can detect or at
23 least you remember?
24 MRS FERGUSON: I remember talking away to her and she wasn't
25 moving, she wasn't doing anything. She was just lying

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1 MR FERGUSON: My memory of Dr Nesbitt is very vague, but he
2 might have spoken to us saying she's seriously ill and
3 we're getting a police escort and we want to take her to
4 the Royal because that's the best place. That's all I
5 remember of Dr Nesbitt and, "Do not try and follow the
6 ambulance".
7 Q. The best place in the sense that that's the Children's
8 Hospital, the specialist centre, that's the best place
9 for her?
10 MR FERGUSON: That's all I can mind.
11 Q. If he did, you didn't absorb them, would that be a fair
12 way to put it?
13 MRS FERGUSON: I don't think he mentioned the swelling
14 because it was our belief that she was going for an
15 operation.
16 MR FERGUSON: He can't have mentioned the swelling because
17 we'd have asked, "If the brain has swollen that much,
18 why is she going for an operation then?". Our
19 recollection is that she was going for an operation.
20 Q. He does accept that he discussed with you about the fact
21 that you couldn't accompany Raychel in the ambulance.
22 He says that he explained exactly where they would be
23 taking Raychel and the transfer would be as fast as they
24 could possibly make it and it would involve a police
25 escort and so on and that you shouldn't attempt to

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1 there, pure still, not moving.
2 MR FERGUSON: I can recall, as we pulled into the Royal, the
3 ambulance was already there. I can recall Dr Nesbitt
4 coming back out again and him actually saying to us she
5 had a good journey up and there's plenty of movement.
6 Q. Yes, I was just going to come to that actually. She
7 goes over in the ambulance, you follow in the car.
8 Do you have that conversation with Dr Nesbitt before
9 Raychel is settled at the Children's Hospital or
10 afterwards?
11 MR FERGUSON: I think he was coming out of the hospital
12 again and we were just actually coming up the doorway
13 and he actually said, "She had a good journey up and
14 there was plenty of movement, that's a good sign".
15 Q. Mrs Ferguson, you say that in your witness statement to
16 the inquiry. It's 020/1, page 19. You say:
17 "When we arrived at the Royal, Dr Nesbitt was
18 getting back into the ambulance and seemed to us to be
19 in a hurry to get away. He told us that Raychel had
20 a comfortable journey and that there was plenty of
21 movement, which was a good sign. I took some comfort in
22 this."
23 Did you know what he was talking about by "plenty of
24 movement"?
25 MRS FERGUSON: Maybe that she had woken up or she was

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1 starting to move because when I seen her the two times,
2 I mean, it was 5 o'clock, and Raychel didn't leave
3 Altnagelvin until near 11. There was absolutely no
4 change in her, so whenever Dr Nesbitt had said then
5 there was plenty of movement, I thought she's come round
6 again, she's going to be all right.

7 Q. So would it be fair to say you entered the Children's
8 Hospital with the belief that there was something that
9 might be done surgically with your understanding that
10 plenty of movement is a good thing, which might mean
11 a slight improvement in her condition --

12 MRS FERGUSON: Yes.

13 Q. -- you were feeling maybe more hopeful than you had at
14 a previous time?

15 MRS FERGUSON: Yes, I actually thought that by the time we
16 got up to the children's ward that Raychel was already
17 maybe getting operated on at that stage because ...

18 Q. What Dr Nesbitt says can be seen in that third
19 paragraph:

20 "I next spoke to Raychel's relatives, including her
21 mother, just prior to returning to Altnagelvin Hospital
22 following her admission to the children's intensive
23 care. The time was approximately 12.30. I told them
24 that Raychel's condition had remained unchanged during
25 the journey and everybody would do what they could to

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1 MS ANYADIKE-DANES: Okay. At that stage, you haven't
2 actually seen Raychel yet because you've just been
3 travelling up from Altnagelvin --
4 MR STITT: Sorry to interrupt. If we've finished the
5 section dealing with the discussions with Dr Nesbitt on
6 arrival at the Royal, if Ms Anyadike-Danes is moving on,
7 the sequence of what has happened here is each witness
8 has made their statement and so on and then I think it
9 was Dr Haynes who gave evidence and the issue came up as
10 to false hopes and plenty of movement and discussion
11 about whether there could be purposeful movement given
12 Raychel's very serious condition. I think this might
13 have been last Thursday. That highlighted a point which
14 needs to be addressed and I've spoken to Dr Nesbitt and
15 I've got specific instructions in relation to that to
16 give Mr and Mrs Ferguson the opportunity to accept --
17 but let me just finish the point.

18 One of the questions specifically deals with this
19 question of movement and I was hoping that
20 Ms Anyadike-Danes might put that question to the
21 Fergusons, because this is the evidence on this point
22 that Dr Nesbitt would wish to give when his turn comes
23 to give evidence, but it's only fair to the witnesses
24 that they have an opportunity to accept or not accept
25 what he's going to say. It's question number 6, I think

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1 look after her. I expressed my deep sympathy for their
2 obvious distress and said that we would all be thinking
3 of them and praying for Raychel's recovery."

4 There's no reference to anything to do with
5 movement. How good a recollection is that of yours?

6 MR FERGUSON: I don't recall him saying that.

7 Q. Sorry?

8 MR FERGUSON: I don't recall him saying that.

9 Q. At that stage or at all?

10 MR FERGUSON: At all.

11 Q. Mrs Ferguson?

12 MRS FERGUSON: I don't recall it, but I'm saying he could
13 have said at this stage, you know -- it's just the way
14 everything was happening, like. I'm not saying that he
15 didn't say it. Maybe he did say words to that effect.

16 MR FERGUSON: I do recall him saying she had a good,
17 comfortable journey and plenty of movement. That sticks
18 with me.

19 Q. So he could have said these other things, but you had
20 a lot to absorb and take on. But are you saying that
21 irrespective of whether he said those other things, you
22 recall him saying that there was plenty of movement?

23 MR FERGUSON: Is this up at the Royal here? No, he didn't
24 say this. I don't recall him saying this.

25 THE CHAIRMAN: Okay.

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1 it is, to do with movement. I wrote them out earlier.
2 MS ANYADIKE-DANES: Mr Chairman, my learned friend Mr Stitt
3 is entirely right. He has given me that information,
4 and the reason I haven't put it is because it's not
5 reflected in any of the evidence that Dr Nesbitt has
6 given. This evidence that I've just been reading out
7 from his witness statement is in answer to a very
8 specific question, which is:

9 "Describe in detail your communications with the
10 parents of Raychel Ferguson, both before and after her
11 death, to include dates and time and information that
12 you gave to them and issues discussed."

13 It may well be, like other witnesses, that memories
14 have been jogged and he does have a recollection of
15 something else, but it seemed to me to be not quite
16 right for me to put evidence that has come in this way,
17 through his counsel, to Mr and Mrs Ferguson. It might
18 be that the appropriate way is for him to provide
19 a witness statement to deal with it.

20 THE CHAIRMAN: But surely if that happens, and if Mr and
21 Mrs Ferguson are to respond to it, it raises the spectre
22 that they'll have to be recalled to the witness box to
23 do that.

24 MS ANYADIKE-DANES: Mr Nesbitt is coming back to give
25 evidence in governance, of course, and some of these

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1 issues to do with communication with the family are
2 governance issues.
3 THE CHAIRMAN: They are. Accepting that he has made
4 a statement along certain lines and Mr and Mrs Ferguson
5 have responded in the way that they have, if it is now
6 going to be suggested that there is something additional
7 which was said, then I think we should hear what that is
8 on the basis that that is the evidence he will put into
9 a witness statement and then be called to give oral
10 evidence about.
11 MS ANYADIKE-DANES: I am content to do that. If we can have
12 the evidence nonetheless reflected in a witness
13 statement.
14 THE CHAIRMAN: Yes, that's what I just said.
15 MS ANYADIKE-DANES: What Dr Nesbitt says that he said to
16 you --
17 THE CHAIRMAN: Sorry, I just want to make it clear. Is this
18 something which he now says he recalls saying or is it
19 something which he thinks he might have said on
20 reflection, having heard various strands of evidence?
21 MR STITT: He recalls saying it and that will be his
22 evidence.
23 THE CHAIRMAN: Thank you.
24 MS ANYADIKE-DANES: One of the things he says about this,
25 Mr and Mrs Ferguson, is that no brainstem tests were

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1 she was still with her eyes half open and slightly
2 glazed. I asked you about movement and there was no
3 movement then. Mr Ferguson, when you asked you about
4 you seeing Raychel when you arrived in hospital, you
5 said you went right up to her and you held her by the
6 elbows and that she was moving and trembling.
7 MR FERGUSON: This is 4 o'clock or so, yes.
8 Q. At any other time when you saw Raychel, did she move
9 again either like that or in some different way?
10 MR FERGUSON: No.
11 Q. Then Dr Nesbitt also says, at the Children's Hospital,
12 he spoke to you briefly, as you had just arrived by car,
13 and that's part of what he has already said in a
14 previous statement and I think you acknowledge that he
15 did speak to you briefly. He says that he told you that
16 Raychel had remained stable throughout the transfer,
17 nothing had changed, the movements which she had been
18 making prior to the transfer had continued; do you
19 remember that?
20 MR FERGUSON: All I remember is she had a good, comfortable
21 journey and there was plenty of movement and that's a
22 good sign.
23 Q. And as far as you're concerned -- and he hasn't dealt
24 with it in his witness statement and maybe that might be
25 something he could assist with -- apart from that's

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1 done at Altnagelvin. You now know what they are, don't
2 you?
3 MRS FERGUSON: Yes.
4 MR FERGUSON: Yes.
5 Q. They hadn't been done at Altnagelvin prior to
6 transferring Raychel. He says that Raychel had been
7 moving occasionally and that this continued. That's the
8 first thing he says. I had asked you --
9 THE CHAIRMAN: This is in the ambulance that Raychel had
10 been moving occasionally?
11 MS ANYADIKE-DANES: No, no, prior to getting into the
12 ambulance, she had been moving occasionally. That's the
13 first thing he says about movement.
14 Can you respond to that?
15 MRS FERGUSON: No. Well, I can respond. As you say, when
16 we seen Raychel at 5, she was just lying there. We were
17 in intensive care, I don't know what time she went into
18 intensive care, but we were with her until she left and
19 Raychel never moved at all.
20 MR FERGUSON: I don't recall her moving at all all that time
21 either.
22 Q. You'd gone to see her briefly when you were allowed to
23 see her -- do you remember when you gave evidence that
24 you walked in and the priest was performing the last
25 rites? I asked you how about she seemed and you said

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1 a good sign, there was no explanation, was there, as to
2 why that would be a good sign?
3 MR FERGUSON: I don't recall an explanation, but he didn't
4 spend too long with us.
5 THE CHAIRMAN: I'm sorry, is that the new evidence?
6 MS ANYADIKE-DANES: Yes.
7 THE CHAIRMAN: Dr Haynes said on Friday afternoon that no
8 medical professional could possibly confuse the signs of
9 a child in Raychel's condition moving because they were
10 reflexes involving the spinal cord and any medical
11 professional would know that they were not natural
12 movements. We'll hear Dr Nesbitt in due course.
13 Dr Haynes was absolutely specific about this because
14 I asked him on Friday afternoon and he said clearly that
15 no medical professional could confuse these signs.
16 We'll debate this when Dr Nesbitt comes back.
17 MR QUINN: If one looks at Mr McCord's evidence on the
18 transcript at page 47, line 25, as I understand it.
19 Just for the record, he also confirmed that there was no
20 movement, nor likely to be any.
21 MS ANYADIKE-DANES: In aid of my learned friend Mr Stitt who
22 thought it might have been Thursday, in fact it was
23 Friday, 22 March, page 152 and 153 of the transcript,
24 and the very point that you've made, Mr Chairman:
25 "Question: Would you expect a consultant

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1 anaesthetist in those circumstances to have taken any
2 comfort from that kind of movement at or about
3 11 o'clock or so?
4 "Answer: I find the statement a little surprising."
5 MR STITT: The obvious point, of course, is that Dr Nesbitt
6 was not saying that this was a good sign. I understand
7 the parents' belief that that was said and respect that
8 that's their recollection. But the point which you make
9 is a finer one than that, and that is: what's the point
10 of mentioning movement if it's of no purposeful value?
11 I suspect that's the point behind your observation,
12 Mr Chairman. The fact is Dr Nesbitt will say he was
13 informing the parents of the fact that nothing had
14 changed as a matter of fact. She hadn't got any worse,
15 as it were, between hospital and the second hospital.
16 THE CHAIRMAN: We'll hear him in due course.
17 MR STITT: I may also say, as a matter of record, in case
18 it's thought that Dr Nesbitt was leaving in a hurry or
19 something: he had been down in the ambulance, he had
20 actually finished duty that morning, but elected to stay
21 with Raychel and elected, notwithstanding the fact that
22 he was not on duty, to stay in the ambulance and go to
23 Belfast.
24 THE CHAIRMAN: Thank you.
25 MR FERGUSON: Our recollection is Dr Nesbitt, just before he

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1 And then if you go down to the bottom:
2 "Her limb movements were not, in my opinion, of
3 cerebral origin."
4 Did anybody discuss anything with you when you got
5 to the Children's Hospital about her movements?
6 MRS FERGUSON: At one stage, I think it was near the
7 night-time, I thought I'd seen Raychel move her leg
8 a bit and the nurse said, just more or less, that's
9 reflex or something. She did mention something like
10 that, I do vaguely mind --
11 Q. It's a reflex?
12 MRS FERGUSON: Something like that.
13 Q. When you do get to the Children's Hospital, she's seen
14 by Dr O'Donoghue; do you recall that, Mr Ferguson?
15 MR FERGUSON: I don't recall that, no.
16 Q. She's also seen by Dr Crean and Dr Hanrahan.
17 MR FERGUSON: I recall them, yes.
18 Q. Do you remember what's told to you about her condition?
19 MRS FERGUSON: I remember when we got to the Royal --
20 we were there whenever this first doctor -- you had
21 mentioned there was a doctor who had come out the double
22 doors and he did say something to the effect that
23 Raychel wasn't -- this is a bad situation or something,
24 that Raychel wasn't going to make it, but he said
25 something, he was waiting on a neurologist to come --

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1 got into the ambulance, said she had a comfortable
2 journey coming up, a lot of movement or movement, and
3 that's a good sign. That gave us hope. That's what I'd
4 like to say. That gave us hope when we heard that.
5 MS ANYADIKE-DANES: So you come in to see Raychel with now
6 hope, one because of what Dr Nesbitt has told you, and
7 two, because you think she's gone there for a purpose,
8 to have surgery?
9 MR FERGUSON: Yes.
10 Q. When you do get to see Raychel, can you describe how she
11 seems to you, perhaps Mrs Ferguson? How did she seem to
12 you when you got there?
13 MRS FERGUSON: She was just the same as what she had been
14 when she left Altnagelvin. There was no change at all.
15 Q. Mr Ferguson?
16 MR FERGUSON: When I saw her, all the machines were hooked
17 up on her, breathing for her, and there was no change in
18 her whatsoever.
19 Q. In terms of the movement point, there is actually
20 a record in Raychel's notes at the Children's Hospital
21 precisely on that point. I think it's a record that's
22 made by Dr Hanrahan. If we can pull up, please,
23 page 063-009-022. It's about halfway down that page:
24 "On examination. Some reflex movement of legs. Not
25 purposeful."

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1 I took that to be Dr Crean and Dr Hanrahan -- and they
2 would talk to us even more. But it was at that point
3 then, the way he had put it, that I knew that Raychel
4 was dying or that there was no going back at that point,
5 that whatever the words he'd said, I remember kicking
6 a wall and saying that, no, she couldn't be, she was
7 just getting an operation. But he made it pretty clear
8 then that there's no going back, that Raychel wasn't
9 getting any better.
10 Q. The first entry about speaking to you in her charts by
11 a doctor seems to have been made by Dr O'Donoghue and
12 the reference for that is 063-009-021. What it says is:
13 "Spoke with parents. Told that Raychel is
14 critically ill and the outlook is very poor."
15 And there's also a reference to being seen with
16 Dr Hanrahan and Dr Crean. And then the nurses make
17 notes about those doctors speaking to you. There's one
18 at 063-021-047 where it refers -- this is a nurse's
19 note:
20 "Parents in attendance. Spoken to by doctor."
21 And there's a reference to Dr Crean being there.
22 And then there is another reference to Dr O'Donoghue
23 being with you, and this is perhaps one that we could
24 pull up, 063-022-049.
25 You'll see there that there's you, Mr and

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1 Mrs Ferguson, your sister, grandparents, and the person
2 identified is:

3 "Dr O'Donoghue, explained that Raychel was
4 critically ill so that, at present, she was not
5 breathing without the assistance of the ventilator.
6 Pupils were unreactive and there was poor temperature
7 control."

8 Obviously you were upset. There's another reference
9 with the parents, which is yourselves and your sister.
10 And present there are Dr Hanrahan and Dr Crean. They
11 asked a history from the previous events and told the
12 parents about the brainstem tests and that the brainstem
13 was no longer working and there was no brain activity
14 and further tests would be done in the morning. Do you
15 remember them asking you about what had happened at
16 Altnagelvin?

17 MRS FERGUSON: Yes, I remember myself, Ray, my sister,
18 I think, Ray's brother might have been there at that
19 stage, and I don't remember whether it was Dr Crean or
20 Mr Hanrahan, they kept going over about the vomiting,
21 what kind of vomiting, how many vomits, what time was
22 there blood in the vomit, they just kept repeating these
23 questions. I remember one of them walking around the
24 room with his hand up to his mouth and just kept asking,
25 going on about the vomits, what time was there blood in

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1 about the brainstem tests, in 24 hours do another test,
2 they could have done. That comment, it sticks in my
3 head.

4 Q. Do you remember which doctor it is that said that?

5 MR FERGUSON: Dr Crean, the taller doctor.

6 Q. I'm going to pull something up, which happens quite
7 a bit afterwards, but it's on the point you're making,
8 065-015-030. This is a memo Mr Crean writes to his
9 associate medical director, Mr Walby. If you look
10 in the second paragraph, the second sentence. He refers
11 to her as Rebecca:

12 "Sustained a massive brain injury at another
13 hospital and the situation was irretrievable when she
14 was admitted to the Children's Hospital."

15 Apart from the passing-the-buck point, did you ever
16 get the impression from those doctors that there was
17 something that they could do to help Raychel's condition
18 at the Children's Hospital?

19 MRS FERGUSON: No, that was made pretty clear, that first
20 doctor that had come out before we had spoken to
21 Dr Crean, and they didn't give us any false hope; they
22 more or less just said the way it was, they had to do
23 the brain test, and then wait 24 hours to do another
24 one, but it's not going to change anything.

25 Q. Shortly after that, on 11 October, Dr Crean is recorded

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1 the vomit.

2 Q. You may not be able to answer this, but the way you were
3 being questioned, did you get the impression that they
4 thought that was important, they wanted to know in
5 detail about that?

6 MRS FERGUSON: Yes, because they went over it that many
7 times, they kept repeating. We had to be more or less
8 exact how many times, what kind of vomit was it. They
9 just kept talking about the vomiting.

10 MR FERGUSON: I vaguely remember talking about the brainstem
11 test, just vaguely. I do mind them asking all these
12 questions about the vomiting and the next words coming
13 from his mouth were, before he went out, "What's
14 Altnagelvin trying to do here, pass the buck?". That
15 sticks with me from that meeting.

16 Q. Did any of those doctors --

17 MR FERGUSON: Sorry, the actual words he did say was, "Don't
18 comment me on this, are they trying to pass the buck
19 here?". That's actually the words he actually said.

20 Q. You mean don't quote --

21 MR FERGUSON: Don't quote me, yes.

22 Q. Did any of them try and explain what they thought had
23 happened?

24 MR FERGUSON: They could have done. At that time ... They
25 literally did tell us, but I only have a recollection

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1 by the coroner as having had a conversation with him
2 where he also deals with Raychel very briefly, and
3 we can see that at 012-052c-275. It's really the third
4 line up from the bottom:

5 "He said [Dr Crean -- this is a record that
6 the coroner made] that there was mismanagement of this
7 case in the Altnagelvin Hospital."

8 Was anything like that said to you while you were
9 there?

10 MRS FERGUSON: I remember one of them saying that this
11 should never have happened. I think we had meetings
12 with them the day that we went up and then on the
13 Sunday. It was the Sunday. One of those two times,
14 I remember one of them saying this should never have
15 happened.

16 Q. In addition to that, there is a reference by the
17 chief executive of the Altnagelvin, who is
18 Stella Burnside. She writes a memo to the CMO and
19 in that she refers to a rumour that a nurse in the
20 Children's Hospital has communicated to another nurse on
21 the Sunday at Altnagelvin that Raychel got the wrong
22 fluids. Did you hear anything like that from the nurses
23 at the Children's Hospital?

24 MR FERGUSON: We only found out about that through this
25 inquiry.

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1 Q. So nobody said that to you?
2 MR FERGUSON: No.
3 MRS FERGUSON: No.
4 Q. Ultimately, they do the two tests and the result of them
5 is to confirm what you say Dr Crean was indicating to
6 you, which was that there was no brainstem function and
7 the ventilator is switched off. At around that time, or
8 even a bit after that, does anybody help you to
9 understand how Raychel has ended up in that situation
10 at the Children's Hospital?
11 MRS FERGUSON: My memory is that I'm sure it was Dr Crean
12 had said that wasn't the time, but after things was
13 over, he would talk to us.
14 Q. That he would talk to you?
15 MRS FERGUSON: If we wanted to. But I'm not sure if we had
16 the meeting or we didn't.
17 Q. In fact --
18 MRS FERGUSON: I wouldn't be 100 per cent.
19 Q. That's what might have prompted this telephone call. If
20 you see on the second sentence of the note:
21 "The parents wish to speak to him."
22 And there's a discussion on what, from the coroner's
23 point of view, it would be appropriate to discuss with
24 you. Had you got back to Dr Crean and indicated that
25 you did what to talk to him about what had happened with

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1 then as time went on, we got the letter on the 15th,
2 I remember phoning Altnagelvin, it was a while after
3 that, and I wanted to have a meeting. But to be honest,
4 I thought over the days that when Raychel had died that
5 somebody from the hospital or from the Trust would have
6 actually come to the house to attend, to see us, to say
7 that they were sorry or even attended the funeral mass,
8 but nobody came. We thought she died under their care
9 so somebody will come, do you know what I mean, but
10 nobody came.
11 Q. And when was the first time you saw her consultant,
12 Mr Gilliland?
13 MRS FERGUSON: The inquest. That was the first time.
14 Because we had a meeting, the September one, but
15 he wasn't there. My first time seeing Mr Gilliland
16 would have been the inquest.
17 Q. You say that you had the meeting on 3 September, you
18 mean. Did you think he would arrive at that meeting?
19 MRS FERGUSON: I thought the people that was going to be
20 there was the people that were involved in Raychel's
21 care and then when I came here and I heard Dr Curran
22 giving his evidence, he had seen Raychel twice, and he's
23 saying that his first statement was in 2011.
24 THE CHAIRMAN: When he's contacted by the inquiry?
25 MRS FERGUSON: Yes. I thought, well, Mr Gilliland, you

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1 Raychel?
2 MRS FERGUSON: I can just remember a nurse in the Royal,
3 Jane -- I know I was on the phone a few times asking her
4 if she knew what had happened. I remember talking to
5 her, but I don't remember discussions or anything. I
6 know I was talking with her a few times.
7 Q. Was there any suggestion, so far as you can recall, that
8 Raychel's own consultant from Altnagelvin would talk to
9 you?
10 MRS FERGUSON: No. Nothing, no.
11 Q. Sorry?
12 MRS FERGUSON: No.
13 Q. What was your expectation, if you had one, about who
14 would talk to you about what had happened to Raychel?
15 MRS FERGUSON: I don't know. It was a while after.
16 I remember getting a letter from Altnagelvin, I think it
17 was on the 15th. But as time went on, I was getting
18 more annoyed because at this stage Raychel had died and
19 was buried and we still didn't know what had happened.
20 I remember -- I think it could have been a few months,
21 I remember phoning Mr Leckey and I said, "Do you know
22 how Raychel died?". He said, "It wasn't natural", and
23 I remember saying, "So if she hadn't had the
24 operation?". He said, "If she hadn't had the operation,
25 she would still have been here". That I remember. So

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1 know, he was under Mr Gilliland. I thought Mr Gilliland
2 would at least have taken him and said, "What happened,
3 or what did you do? What was your role with Raychel?".
4 I couldn't believe that the first statement was in 2011
5 because, to me, Dr Curran should have been at the
6 meeting in September because he had dealings with
7 Raychel twice. And I just -- my feeling now of that is
8 they knew that he was such a junior doctor, he gave the
9 wrong diagnosis or just didn't act on it, so we'll not
10 bother bringing him to the meeting. That's the way I'm
11 left feeling about that part about Dr Curran.
12 Q. I know in that meeting of 3 September you really wanted
13 your sister to deal with the questions and you said in
14 some respects you don't remember the detail of it. But
15 you have seen a note that the patient's advocate took of
16 that meeting. So far as you can, is that an accurate
17 note, so far as you can tell?
18 MRS FERGUSON: I'd probably have to look at it again. I do
19 remember them expressing their sympathy whenever we went
20 in.
21 MR QUINN: We say that Mrs Ferguson hasn't read this note
22 recently. It's probably a number of weeks since she's
23 had a look at it at all.
24 THE CHAIRMAN: Is it productive?
25 MR QUINN: I don't think it is productive to go into the

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1 note. Her sister has a much better recollection of it
2 and her sister is the one who conducted the enquiries on
3 behalf of the family.
4 THE CHAIRMAN: Can we leave it on the basis that if there is
5 something in the note -- sorry, Mrs Ferguson's just said
6 that she does remember the expression of sympathy at the
7 start of the meeting, so that confirms the two
8 reservations Altnagelvin have is the expression of
9 sympathy isn't recorded and, secondly, the tenor of the
10 meeting isn't quite caught. The first is accepted by
11 Mrs Ferguson and the tenor of the meeting, she wouldn't
12 be able to deal with.
13 MR QUINN: She can certainly give a couple of comments about
14 what she thought of the meeting, but it wouldn't be
15 productive to go through the minute of the meeting.
16 THE CHAIRMAN: Can we do it on this basis: I know what the
17 Altnagelvin position on the note is, that it's
18 substantially accurate, but it doesn't quite capture the
19 sympathy or the tenor, but what I would like to be
20 confirmed is whether there's any substantial departure
21 from the note on the part of the Ferguson family?
22 MR QUINN: Yes. I think her sister would be the better one
23 to ask actually and we will investigate that in the next
24 week.
25 THE CHAIRMAN: Thank you.

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1 THE CHAIRMAN: Dr McCord was effectively asking to see
2 a photograph of her?
3 MRS FERGUSON: It was a wee picture I wore around my neck
4 and her eyes were open in that.
5 THE CHAIRMAN: Okay.
6 MS ANYADIKE-DANES: Mr Chairman, there are no further
7 questions that I have.
8 THE CHAIRMAN: I know Mr and Mrs Ferguson want to say
9 something to us and about Raychel before we finish
10 today. Before you get into that, are there any
11 questions, Mr Stitt, Mr Campbell?
12 MR STITT: Yes, one matter. It's related to what was or was
13 not said by Dr Crean. It's a little up in the air.
14 It's an answer which Mr Ferguson has given at Dr Crean,
15 the reference to buck passing was the issue.
16 I appreciate that we have parked one issue into
17 governance and this is, strictly speaking, really partly
18 clinical. If we're going to deal with Dr Crean at
19 governance, then maybe that point -- it has come out of
20 the blue slightly. As long as it's not going to be
21 forgotten about.
22 MS ANYADIKE-DANES: It won't be.
23 THE CHAIRMAN: Well, we can follow up on that specific --
24 you're referring to what Mr Ferguson said a few minutes
25 ago, "Don't quote me on this, what's Altnagelvin trying

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1 MS ANYADIKE-DANES: It's my fault really because this is
2 a meeting and the minute of it, or the notes of it, that
3 we're going to deal with in some detail in governance.
4 My only reason for raising it at all is in case there
5 had been some discussion amongst the Ferguson family for
6 them to say we actually think that is a fair reflection
7 of the meeting without going into the detail of what
8 happened. But I quite understand that you haven't
9 actually looked at that note for some time, so
10 I apologise for raising it. I was simply seeing whether
11 there were any further issues that we needed to go into
12 about accuracy. It is something that we're going to
13 look at very closely in governance.
14 MRS FERGUSON: The only thing that I recall of the meeting
15 was that -- Dr Nesbitt saying it was a rare thing.
16 Nurse Noble sitting back in the chair with her arms
17 folded and saying that she had no concerns and, at this
18 stage, I remember crying quite sorely and saying, "Even
19 when she was throwing up blood?", and she looked at me
20 and said, "No, we had no concerns". And then
21 Dr McCord -- on the way out, I had a photo of Raychel
22 and he said, "Could you let me see what she looked like
23 with her eyes open?", because he hadn't seen her with
24 her eyes open. That's really all that I can vaguely
25 recall from the meeting.

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1 to do here, pass the buck?" It rather chimes with
2 the coroner's note, with his conversation, in which he's
3 quoted as saying, "That there was mismanagement of this
4 case in Altnagelvin". I can follow up on that. If you
5 think it's important, we can follow up on that specific
6 issue with Dr Crean. Whether and to what extent it
7 advances the inquiry in light of his recorded view that
8 there was mismanagement of Raychel when she was in
9 Altnagelvin is slightly questionable.
10 MR STITT: Yes, it's part and parcel of the note. The two
11 are linked and maybe we'll hear from Dr Crean at some
12 point.
13 THE CHAIRMAN: We will if needs be, but I'm not necessarily
14 going to go down every single road unless we're staying
15 on the main road. Mr Campbell, have you anything?
16 MR CAMPBELL: Just one point, sir, which relates to the
17 telephone call that came in at, I think, 3.45 in the
18 morning to Mr Ferguson. The tenor of the description he
19 gave about that was Raychel had fittid. Looking at
20 Nurse Noble's witness statement, you'll see that she
21 makes reference to asking Mr Ferguson if, in fact, there
22 was any family history of seizures. I wonder could
23 Mr Ferguson be asked about that?
24 THE CHAIRMAN: Right. Do you recall when you received the
25 phone call whether the nurse who contacted you asked you

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1 if there was any history in the family of seizures?
2 MR FERGUSON: She could have done.
3 THE CHAIRMAN: When you initially gave your evidence about
4 this a few minutes ago, you were unsure --
5 MR FERGUSON: I was unsure if she said "fit" or "seizure".
6 THE CHAIRMAN: Yes. In fact, it might have been both
7 because --
8 MR FERGUSON: She could have said both.
9 THE CHAIRMAN: She might have said "seizure" because it was
10 just accepted that she might have referred to seizures.
11 MR FERGUSON: Yes.
12 THE CHAIRMAN: But you also got the impression that she was
13 having a fit in the sense that she was put out that you
14 weren't at the bedside.
15 MR FERGUSON: Yes.
16 THE CHAIRMAN: Okay, thank you.
17 MR STITT: Sorry, sir, if you bear with my last point, and
18 it's a serious and proper one, so I do apologise to the
19 Fergusons and to yourself. At page 154 [draft],
20 Mrs Ferguson referred to receiving a letter on 15 June
21 and they were unhappy with the response from
22 Altnagelvin Trust for the reasons which they go on to
23 talk about and coming to the funeral and so on. That's
24 all recorded and it's certainly not challenged. But I
25 think it's only fair if I may -- I don't know the

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1 wanted to make reference to that letter.
2 MR FERGUSON: After she was buried.
3 THE CHAIRMAN: It was. Okay. I think your point is --
4 well, I've got the point of the letter. Thank you.
5 There are some things I know you've prepared. Would you
6 like to take a break for a few minutes?
7 MRS FERGUSON: Yes, about five or ten minutes.
8 (3.16 pm)
9 (A short break)
10 (3.35 pm)
11 THE CHAIRMAN: Whenever you're ready.
12 MRS FERGUSON: First of all, Mr O'Hara, myself and Ray would
13 like to apologise to you for our behaviour towards you
14 and your team as we did not fully appreciate the role of
15 an inquiry, but we know being here, we appreciate the
16 hard work and time that you have all spent in getting us
17 as far as we have.
18 THE CHAIRMAN: You're very kind, thank you very much.
19 MRS FERGUSON: Thank you. The next thing I want to talk
20 about is the operation. We believe to this day that
21 Raychel's operation should never have taken place. We
22 feel she should have been observed for a longer period
23 of time and she was pain-free after the injection. We
24 feel we should have been told the truth at the earliest
25 opportunity throughout this inquiry, which we now know

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1 document reference in the inquiry's file, but may I read
2 the six lines in total?
3 THE CHAIRMAN: Okay.
4 MR STITT: "Dear Mr and Mrs Ferguson."
5 And this is from the chief executive, Mrs Burnside.
6 "I wish to express to you my sincere sympathy
7 following the death of your daughter Raychel. We are
8 deeply saddened and appreciate the loss you must be
9 feeling. The medical and nursing staff who cared for
10 Raychel would like to offer you both their sincere
11 condolences and they would also like to offer you the
12 opportunity to meet with them if you feel this would be
13 of any help. If you wish me to arrange for this for
14 you, please contact my department by contacting [this
15 person at a certain number]."
16 Obviously, I have no doubt that this was not a good
17 time for the Ferguson family, for Mr and Mrs Ferguson,
18 and one obviously does not expect an early reply or even
19 necessarily an acceptance of the sentiments which are
20 in the letter. That's not the point I'm trying to make.
21 I'm merely saying for the record an early attempt was
22 made at least to make contact and it was entirely up to
23 the Fergusons -- and I say this again with respect, I'm
24 not being critical, the fact that they didn't come back
25 is not critical, perfectly understandable, but I just

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1 was 5 o'clock in the morning on 9 June. Listening to
2 all the evidence here at the inquiry, Raychel's eyes
3 were fixed and dilated at 5 o'clock. The doctors knew
4 then there was no going back. We did not leave
5 Altnagelvin until 11 o'clock. That was six hours later.
6 All we were given was false hope in that Raychel would
7 get an operation and that she would remain in the Royal
8 for two to three weeks.
9 In our view, we believe the cover-up began on the
10 morning Raychel was being transferred to the Royal.
11 We now know the situation was hopeless. While we
12 appreciate Dr McCord's apology, we were still again
13 given false hope by him, Dr Nesbitt and a male nurse in
14 ICU. Within days Dr Nesbitt obviously knew what had
15 happened, so much so he had a junior doctor make
16 additions to the medical notes. We have always been
17 suspicious of that and we are even more suspicious now
18 that that is the hands of a cover-up as far as we're
19 concerned. Then it just gets worse; it is unimaginable,
20 but it does get worse. With whatever hope we had, can
21 anyone imagine what it was like for us walking in,
22 seeing a priest standing over Raychel, giving her the
23 last rites?
24 Now when we look back on that and in view of all the
25 evidence given, did the priest know or was he told

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1 something that we weren't? We can't accept that the
2 priest just does that in ICU as a matter of course.
3 I don't know. But thinking about it now, there was no
4 hope for Raychel. The hospital, Altnagelvin, killed
5 her, and they have a priest standing over her giving her
6 the last rites and then we were all off to Belfast for
7 what? It's just absolutely awful.

8 Just as laypeople, and again looking at it now,
9 Altnagelvin just sent her to Belfast so that it would be
10 recorded that Raychel died there; there was no hope for
11 her. By September, they all knew full well what had
12 happened and I make no apology for it, that I still feel
13 so angry reading the notes of the September meeting.
14 Dr McCord has told us personally that that meeting was
15 a disaster. My only recollection of that meeting was
16 the attitude of Nurse Noble sitting with her arms
17 folded, repeating that she had no concerns about
18 Raychel. Even when I asked her about Raychel throwing
19 up blood, she still said, "No concerns".

20 I also remember Dr Nesbitt saying what Raychel died
21 of was very rare, but I found at the meeting
22 of September and throughout this inquiry was the lack of
23 remorse shown from Sister Millar and her nurses.
24 We have heard how traumatised and devastated they were,
25 but none of them have a clear recollection of Raychel

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1 them, Mr Stitt introduced himself to us when he took
2 over. That may seem like a small thing, but to us it
3 was very important.

4 I know, Mr Chairman, it's not for you, and I have
5 already been advised of that, but I believe that the
6 nurses especially lied under oath and even here and that
7 the police should be called in again and they should be
8 charged with perjury. They have told barefaced lies and
9 that is so obvious now, I think the police should be
10 looking at these cases again, but especially the
11 evidence given by nurses and doctors, and if any of them
12 can be charged with perjury then they should be.

13 After all that we have heard about Raychel's case
14 and all that we knew beforehand, the fact that the DLS
15 maintain a denial of liability on behalf of the Trust,
16 it is totally unbelievable. No legal or technical
17 excuse for this will do. It is simply appalling, but in
18 our view it is driven by the cover-up that the DLS are
19 central and involved in in relation to Raychel's death.
20 I know that litigation is outside the inquiry, but can
21 anyone imagine what it is like for us to sit here, and
22 again in view of what we've heard, when the DLS on
23 behalf of the Trust deny liability for Raychel's death?
24 It is very upsetting, it adds to all the pain and
25 suffering that we have already endured over the past

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1 during her time in their care but do have very clear
2 memory of their tea breaks and dinner breaks. As
3 a mother and father, we feel something as traumatic as
4 the death of a child under your care would always take
5 a place in your heart, would take a place in your mind.
6 The least we would have expected would have been for
7 a nurse or nurses or doctor, for that matter, not
8 forgetting the trust, to have called to our home during
9 the week or to have attended Raychel's funeral. But the
10 nearest we got to that was a letter on 15 June
11 expressing their sympathy, even though there was
12 a critical meeting on 12 June.

13 Surely if there was so much devastation that someone
14 with a heart or conscience, knowing what we now know of
15 the outcome of that meeting and how they discovered how
16 Raychel died at that meeting -- and after all it was the
17 hierarchy that was meeting -- could they not have
18 decided between them to show some remorse? Obviously
19 not.

20 If things could not get any worse, they do with the
21 inquest. Now with all that we know and having read the
22 inquest file last week, it is so obvious that the Trust
23 were involved in a cover-up and now they have the help
24 of their lawyers, the DLS; not Mr Stitt, Mr Lavery or
25 the young solicitor that helps them. To be fair to

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1 12 years and will for the rest of our lives.

2 Having had so many meetings with our solicitor,
3 e-mails, telephone calls, we have heard so much of how
4 it might have been that all of the children involved
5 in the inquiry and especially Raychel may have had some
6 peculiar reaction to Solution No. 18 as Solution No. 18
7 was used safely before. But how do we know that? Where
8 is the evidence for that from the Trust? I don't trust
9 the Trust or believe a word they say. I don't want to
10 cause a major problem for the inquiry, but I am
11 concerned more children and even adults may have died
12 from hyponatraemia, but the Trust has covered the deaths
13 up and families have been lied to. I'm even more
14 convinced of this now with all the evidence that I've
15 heard recently.

16 You would think we are talking about the Stone Age.
17 My daughter died in the 21st century, 12 years ago. It
18 seems like yesterday to us. But this constant talk of
19 standards at the time is absolutely no excuse for
20 Altnagelvin killing our daughter. It should not have
21 taken the death of our daughter for a change in
22 procedure to come about. I believe that the Department
23 of Health knew full well about the deaths of
24 Adam Strain, Claire Roberts and Lucy Crawford before
25 Raychel's death. Some of the experts and witnesses talk

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1 about their early days: it wasn't that long ago, but not
2 for us anyway.

3 What did Altnagelvin and the Trust know about the
4 Lucy Crawford case? One of their own doctors, Dr Murray
5 Quinn, carried out a discredited report on Lucy's death.
6 Putting aside what is in Dr Murray Quinn's report,
7 I just find it hard to believe that not one person, even
8 medical or administration, didn't know about
9 Lucy Crawford's unavoidable death at Altnagelvin, but
10 I will wait to hear the evidence on that. I would think
11 the police were suspicious of all this too because the
12 failure to deal properly with Lucy's death led to
13 Raychel's.

14 We believe that had it not been for the UTV
15 documentary by Trevor Birney and Ruth O'Reilly, who I can't
16 thank enough, that Raychel's death would have been most
17 definitely covered up just like the other children in
18 this inquiry. After all, Raychel did not go into
19 hospital suffering from hyponatraemia. She developed it
20 while she was there due to the severe lack of basic care
21 and attention. This is firmly our belief. Our belief
22 is that Sister Millar and her nurses from Ward 6 are
23 responsible for killing our daughter and sister Raychel.

24 Lastly, I would like to ask why Dr Curran, who saw
25 Raychel twice, was never asked to give a statement or at

1 she would give it to the poor. That whole week, Raychel
2 was looking forward to and planning all the things we
3 should have been doing for her daddy's birthday on
4 9 June. Sadly, that day never happened. No one here
5 would understand in the aftermath of Raychel's death
6 I had to spend consoling her three brothers and
7 answering questions like who's going to cut her hair and
8 nails. Four weeks after her death, it was Jamie's
9 birthday. We had to go to the grave and push down
10 sweets and leave her cake. Also every night for years,
11 we all, as a family, went to the grave at 8 o'clock
12 every night, hail, rain or snow, and stayed until 9
13 because that was bedtime.

14 My three sons have suffered tremendously. Not only
15 did they lose their sister, but they lost out on their
16 mother, a normal childhood, something as simple as going
17 to the park or going to McDonald's did not happen
18 because of the guilt I was feeling and how could we
19 enjoy ourselves with Raychel lying in a cemetery. At
20 that time my whole world fell apart with Ray wanting to
21 be with Raychel and with three young children. I could
22 not understand why Raychel was not here anymore and
23 trying to deal with the shock and pain myself that
24 Raychel was never coming back. The past 12 years have
25 been horrific. We have never come to terms with the

1 any stage invited to give his account of the events of 8
2 and 9 June until 2011. Surely, in our belief, the head
3 consultant, Mr Gilliland, would have wanted to gather
4 information of the tragic death of one of his patients.

5 Now I would just like to talk and remind everybody
6 why we're here today. It's because of Raychel. I would
7 like to tell you about Raychel, "Wee Boots" to us.
8 Raychel was the highlight of our lives. We always
9 wanted a wee girl, maybe because there were so many boys
10 in our family. I remember when the nurse first told me
11 I had a baby girl, I could never expect anybody to
12 understand my excitement, the joy of that. I was on top
13 of the world to have a baby girl. It was the happiest
14 day of our lives.

15 Raychel meant the world to us, we loved her so much.
16 She was like a wee mother to her brothers Stephen,
17 Jason, and Jamie. She loved her short life so much, she
18 loved her clothes, her style meant so much to her.
19 I remember when Raychel died, her class mates had to
20 write a bit about what they remember about her and every
21 one of them talked about her style.

22 To sum Raychel up, I would say she was happy,
23 caring, not a worry in the world and very bright. She
24 loved animals so much. She said when she grows up that
25 she was going to be a vet and if she had loads of money,

1 needless death of Raychel, so we have spent 12 years
2 fighting instead of grieving. This is why we figure our
3 pain has to be heard. I would like to tell you here
4 today of the two horrific days that we spent in the
5 Royal. 40 minutes after arrival, we were told the
6 outlook was very poor. At approximately 4.30 we were
7 told that Raychel was brain-dead and that there was no
8 possibility in 24 hours, when the tests would be
9 repeated, that there would be any change.

10 On the morning of 10 June, we were told that the
11 machine would have to be switched off, when we were
12 ready, as Raychel would never recover. I know that
13 no one here could possibly imagine how you could ever be
14 ready to face something as horrific as this. I know in
15 my heart I had to do it, but I did not know how I could
16 ever say I was ready to give up my daughter Raychel,
17 Wee Boots. Then how I was going to explain to my three
18 boys what we were about to do and that their sister
19 would not be coming home?

20 I sat in a chair with Ray beside me, the nurse
21 lifted Raychel out onto my knee, my three sons were
22 sitting around crying. I begged Raychel to please wake
23 up. This was her last chance, but this did not happen.
24 The nurse nodded and I nodded back. Then before me
25 I watched Raychel's wee pink rosy cheeks slowly turn to

1 white and her wee nails turn blue and it was all over.
2 All I can recall then is loud sobbing and crying, the
3 family trying to comfort us and my three children. This
4 is an image that I will take to the grave with me, never
5 mind the days that followed and has turned into years.

6 I made Raychel a promise the day her coffin was
7 closed and she left home for the last time that I would
8 not stop until I got to the truth of what happened, of
9 what robbed me of the most precious wee girl of my life.
10 That day in the hospital, Raychel was dying slowly in
11 front of us and not one person took us on or was even
12 concerned. And I would just like to ask: when does
13 a doctor or nurse become concerned? How sick
14 do you have to be before anybody will listen or take
15 your concerns on board? To be honest, that's all I have
16 to say.

17 THE CHAIRMAN: Thank you so much. I don't think there's
18 anything left to say today, Mrs Ferguson, Mr Ferguson.
19 Thank you for what must have been an awful ordeal to go
20 through all this evidence. Unless anybody has any
21 points we'll stop now and we'll see you in May.
22 Thank you very much.

23 (3.55 pm)

24 (The hearing adjourned until Tuesday, 28 May 2013)

25

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