

Witness Statement Ref. No.

313/1

NAME OF CHILD: RAYCHEL FERGUSON (LUCY CRAWFORD)

Name: Kevin Doherty

Title: Mr

Present position and institution:

Litigation Services Manager, Western Health and Social Services Trust

Previous position and institution:

[As at the time of the child's death]

Litigation Services Manager Westcare Business Services

Membership of Advisory Panels and Committees:

[Identify by date and title all of those between January 2000 - December 2012]

Scrutiny Committee for the Sperrin Lakeland Trust and the Western Board

Previous Statements, Depositions and Reports:

[Identify by date and title all those made in relation to the child's death]

None

OFFICIAL USE:

List of previous statements, depositions and reports:

Ref:	Date:	

IMPORTANT INSTRUCTIONS FOR ANSWERING:

Please attach additional sheets if more space is required. Please identify clearly any document to which you refer or rely upon for your answer. If the document has an Inquiry reference number, e.g. Ref: 049-001-001 which is 'Chart No.1 Old Notes', then please provide that number.

If the document does not have an Inquiry reference number, then please provide a copy of the document attached to your statement.

- (1) State the date you were appointed as Litigation Services Manager with Westcare Business Services.**

I was appointed the Litigation Services Manager in 1st May 1997.

- (2) Describe the duties and responsibilities of that position and provide a copy of your job description for the period 2001 to 2004.**

Please find attached is my Job Description. Appendix No. 1

- (3) Explain the respective roles and responsibilities of Westcare Business Services, the Sperrin Lakeland Trust, and the Directorate of Legal Services in:**

- (a) The handling of the clinical negligence case brought by the parents of Lucy Crawford;**

The role of all of those organisations was to manage effectively and efficiently the clinical negligence case that had been brought by the parents of Lucy Crawford.

My role within Westcare Business Services was Head of Litigation Services. Please refer to section entitled Main Responsibility in Respect of Professional Negligence / Claims Management in the attached Job Description.

As regards the specific roles of the Directorate of Legal Services and Sperrin Lakeland Trust I was not an employee of either organisation. This information should be sought directly from those organisations.

- (b) The handling of the inquest into the death of Lucy Crawford.**

The role of Westcare Business Services was to collate statements and information to the Coroner for the purpose of the Inquest. As regards the specific roles of the Directorate of Legal Services and Sperrin Lakeland Trust I was not an employee of either organisation and this information should be sought directly from them.

- (4) Explain the relationship between Westcare Business Services with:**

- (a) The Sperrin Lakeland Trust;**

Westcare Business Services provided a range of common services to the Trust including Human Resources, Finance, Estate Management and Litigation.

- (b) The Directorate of Legal Services.**

WBS acted as a facilitator between SLT and DLS in the provision of Legal Services.

(5) When did you first become aware of the death of Lucy Crawford?

To the best of my knowledge I would have first become aware of the death of Lucy Crawford when the Litigation Services department received a letter from Murnaghan and Fee Solicitors dated 27 April 2001 on the 7th May 2001 [007-047-003].

(6) Please refer to the chronology sent by you to Ms B O'Rawe on 26th July 2004 at [Ref: 047-104-233 to 047-104-237] (copy attached for ease of reference). Arising from this please answer the following questions:-

- (a) It is recorded [Ref: 047-104-233] that on 25th June 2001 the case was discussed at the Trust's Scrutiny Committee and that the Legal Directorate was to contact coroner's office to check details regarding inquest.**

The chronology is a timeline of events and what they were; this starts on the 30th April when the Letter of Claim is received at SLT.

In relation to 25th June 2001 the action to ensue was that the DLS were to contact the Coroner's office in relation to the Inquest.

(i) What was the purpose of the Trust's Scrutiny Committee?

The purpose of the Trust's Scrutiny Committee was for Legal Services to provide legal advice in relation to the conduct and management of Clinical Negligence claims and Inquests.

(ii) Identify the members of the Committee from June 2001 to February 2004.

Senior personnel from the Trust, representative personnel from DLS and Litigation Manager from Westcare.

(iii) Who attended the meeting on 25th June 2001?

Dr Kelly, Mrs O'Rawe, Mr Doherty and Ms Scott.

(iv) If you attended the meeting on 25th June 2001 please give a detailed account of your recollection of the discussion of Lucy's case. In particular describe the discussion leading to the decision to contact the coroner's office to check details of the inquest.

The Trust has asserted a claim for privilege over this information/documentation.

(v) Were there minutes of the meeting? If so, to whom were the minutes circulated. Please provide a copy of the minutes.

See (6. iv) above.

(vi) Is there any written record of the meeting on 25th June 2001. If so, please provide a copy.

See (6. iv) above.

(b) It is recorded [Ref: 047-104-234] that on 12th October 2001 "DLS advised that Coroner's Office had confirmed a Death Certificate had been issued on 14 April 2001 (sic) and that there will not be an Inquest".

(i) Who in DLS provided this information?

D Scott, Assistant Director, DLS.

(ii) To whom was the information provided?

Letter to Kevin Doherty.

(iii) Was it provided verbally or in writing? If in writing please provide a copy. Writing.

Legal advice privilege is claimed by the Trust.

(iv) If the information was provided verbally was a written record made of the verbal communication? If so please provide a copy of that record.

See (6.b. iii) above.

(c) Was the information that a death certificate had issued and that there was to be no inquest communicated to the Sperrin Lakeland Trust? If so-

(i) By whom was it communicated?

The files contain a hand written note from myself advising it was to be included for next Scrutiny Committee.

(ii) To who was it communicated?

Please see (i).

(iii) On what date was it communicated?

Please see (i).

(iv) Provide details of the communication.

There is no note on the file indicating that this was verbally/written communicated.

(v) Was there a written record of the communication? If so please provide a copy.

Please reply above 6(iv).

(d) It is recorded [Ref: 047-104-234] that there was a further meeting of the Scrutiny Committee on 15th November 2001.

(i) Who attended that meeting?

Dr Kelly, B O'Rawe, D Scott DLS and Kevin Doherty.

(ii) If you attended that meeting please provide your detailed recollection of the discussion of Lucy's case.

The Trust has asserted a claim for privilege over this information/documentation.

(iii) Was the position regarding an inquest mentioned at the meeting?

The Trust has asserted a claim for privilege over this information/ documentation.

(iv) Was the meeting minuted? If so provide a copy of the minutes.

The Trust has asserted a claim for privilege over this information/ documentation.

(v) If applicable, to whom were the minutes circulated?

The Trust has asserted a claim for privilege over this information/ documentation.

(vi) Is there any written record of the meeting? If so please provide a copy.

The Trust has asserted a claim for privilege over this information/ documentation.

(e) It is recorded [Ref: 047-104-235] that there was a further meeting of the Scrutiny Committee on 12th April 2002.

(i) Who attended that meeting?

Dr Kelly, Miss B O'Rawe, Miss E Finnegan and Mr Doherty.

(ii) If you attended that meeting please provide your detailed recollection of the discussion of Lucy's case.

The Trust has asserted a claim for privilege over this information/ documentation.

(iii) Was the position regarding an inquest mentioned at that meeting?

See e(ii.)

(iv) Was the meeting minuted? If so provide a copy of the minutes.

See e(ii.)

(v) To whom were the minutes circulated (if applicable)?

See e(ii.)

(vi) Is there any other written record of the meeting? If so please provide a copy.

See e(ii.)

(f) It is recorded [047-104-235] that there were further Scrutiny Committee meetings on 19th July 2002, 14th February 2003 and 21st May 2003. In respect of each of those meetings please deal with the following matters:

(i) Who attended the meeting?

19 July 2002 - Dr Kelly, Kevin Doherty, Ms B O'Rawe and Donna Scott.

14 February 2003 - Ms B O'Rawe and Ms D Scott.

21 May 2003 - Dr Kelly, Mr McCauley, Ms B O'Rawe, Ms D Scott and Mr Kevin Doherty.

- (ii) **If you attended the meeting please provide your detailed recollection of the discussion of Lucy's case.**

The Trust has asserted a claim for privilege over this information/ documentation.

- (iii) **Was the meeting minuted? If so provide a copy of the minutes?**

The Trust has asserted a claim for privilege over this information/ documentation.

- (iv) **To whom were the minutes circulated?**

The Trust has asserted a claim for privilege over this information/ documentation.

- (v) **Is there any other written record of the meeting? If so please provide a copy.**

The Trust has asserted a claim for privilege over this information/ documentation.

- (g) **It is recorded [047-104-236] that on the 24th August 2003 "Dr O'Donoghue(sic) and Dr Auterson supplied involvement report(sic) to Dr Kelly". Did you receive copies of an "involvement report" from Dr Auterson? If so identify this report and (if it is not already in the Inquiry papers) provide a copy to the Inquiry.**

Yes, the Litigation Services Department received an involvement report from Dr Auterson which came from Dr J Kelly's office.

I would refer you to document 047-046-115/116 which is a copy of Dr Auterson's report.

An amended version of this report is contained within the Inquiry's papers at reference 047-036-115/116

- (h) **It is recorded [047-104-236] that in October 2003 "amended clinicians statements forwarded to DLS". Arising from this**

- (i) **Identify the clinicians referred to here whose amended statements were provided to the DLS.**

SN McManus, SEN McCaffrey, SN Swift, SN Jones and Dr Auterson.

- (ii) **Identify the amended statements referred to and provide copies to the Inquiry.**

I understand these are held in the Inquiry's file No. 47.

- (7) **Please refer to the report dated 24th August 2003 sent by Dr O'Donoghoe to Dr Kelly [Ref: 047-053-148 to 047-053-149] which is on the file provided by you to the Inquiry. Arising from this;**

- (a) **When was this report provided to Westcare Business Services?**

There is no covering letter and Dr O'Donoghoe's report dated 24 August 2003 is not date stamped into the Litigation department date.

- b) What steps did Westcare Business Services take on receipt of the report?**

I refer to Inquiry document 047-038-118 which is a compliments slip signed by Jenny on behalf of Dr Kelly dated 29/9/03 there is a hand written note at the bottom of this slip from myself stating "Originals given to Anne Cassidy, FAO Donna." Signed by myself and dated

2/10/03. This would suggest that statements would have been given to DLS on this date.

c) Did you discuss this report with Dr O'Donohoe? If so please give full details of the discussion.

This would not have been within my remit.

(d) Was Dr O'Donohoe asked to account for his failure previously to mention his recollection that almost 500mls of normal saline had been administered before he arrived and that this was a much larger volume than he would have used, and if so what did he say.

I do not consider this to be in my remit.

(e) Was Dr O'Donohoe asked to explain the basis for his belief that the infusion of normal saline was commenced following the first episode of diarrhoea and before the convulsion? If so what did he say?

I do not consider this to be in my remit.

**(b) (f) Did you share the report with anyone else? If so with whom did you share it?
There is no record on the file of the report being shared.**

(8) Please refer to the undated report of Dr O'Donohoe which appears to have been faxed to you on 12 December 2003 [Ref: 047-026-102] and subsequently furnished to the Coroner [Ref: 013-018-066] This differs from the earlier report of Dr O'Donohoe to Dr Kelly [Ref: 047-053-148 to 047-053-149] in that the last three paragraphs of the latter are omitted in the version sent to you and subsequently to the Coroner. Arising from this:

**(a) Are you aware of the circumstances in which these three paragraphs were omitted?
If so please explain the circumstances and reasons for the omissions?
No.**

(b) In particular explain (in so far as you are aware) the circumstances in which Dr O'Donohoe's statements

(i) *"That 500 mls of normal saline was a much larger volume than I would use"* and

(ii) *That he believed the infusion of normal saline "had been started following the first episode of diarrhoea i.e. before the convulsion"*

(i) and (ii) I cannot make comment as I was not involved in Dr O'Donohoe's statements.

THIS STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF

Signed: 

Dated: 2/5/13