

Young, Christine

From: Moore, Martin
Sent: 23 September 2004 10:13
To: Gowdy, Clive; Campbell, Dr Henrietta; McCarthy, Miriam
Subject: New impartial reporter story 23.09.04

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From: Moore, Martin
Sent: 23 September 2004 10:03
To: Shannon, Colm; Baxter, Clare; Gardner, Jeremy
Subject: New impartial reporter story 23.09.04

Hello all

Todays Impartial story attached not specific on Crawford case but using new report to continue topic.

Martin

Inquiries into hospital deaths 'inadequate'

A leading Human Rights lawyer in Northern Ireland has severely criticised failings in the system of investigating deaths in hospitals.

A report published this week says, among other concerns, that reviews carried out by Health Trusts are not sufficiently independent and thorough or independent.

"Investigating Deaths in Hospital" was written on behalf of the Human Rights Commission by Professor Tony McGleenan, who is a practising barrister and professor of law at the University of Ulster. The report looks at the principles arising from a range of decisions by the European Court of Human Rights.

His report has particular significance in this area. Campaigners here have accused the Sperrin Lakeland Trust of a whitewash in their investigation into the death in April 2000 of baby Lucy Crawford, who died as a result of mistakes in her fluid management at the Erne Hospital in Enniskillen.

Article 2 of the European Convention on Human Rights requires the state to ensure that, where a death occurs, the circumstances surrounding that death are subject to open, objective, and independent scrutiny. None of these criteria appear to apply to the Sperrin Lakeland Trust's procedure.

Speaking after the launch of his report, Professor McGleenan said: "The State needs to advise clearly on how the Article 2 obligation to protect life should be discharged by hospitals and other public authorities."

Further, his report asserts that the state is required to ensure that scrutiny mechanisms are implemented as a consequence of the fact of that death and are not contingent upon any action on

the part of bereaved family members.

Professor McGleenan points out that families should not have to push for an inquiry when they are facing a traumatic time.

His report concludes that the investigation into a hospital death must be conducted independently of the hospital and must seek to determine the facts surrounding the death and the existence of any individual or systemic errors which contributed to it. The present collection of arrangements for investigating hospital deaths does not meet this standard, he says.

The Northern Ireland Human Rights Commission says it hopes that this report will act as a catalyst for further detailed public debate which will inform its future work on this area.

The report considers improvements that might be made to current death investigation systems, such as an independent review of each death in hospital with access to all patient notes and records.

Professor Brice Dickson, Chief Commissioner, said:

"The Northern Ireland Human Rights Commission is monitoring decisions of the European Court of Human Rights relating to deaths in the health care system. The implementation of Article 2 procedures in the investigation of such deaths is a topic on which further discussion is needed."

In his report conclusions, Professor McGleenan points out that the rationale underpinning the Strasbourg jurisprudence which developed the Article 2 procedural obligations was presumably the need to ensure that a state could take action to prevent a repetition of the circumstances which led to the loss of life.

"Unexpected deaths in healthcare may be the result of systemic or individual failings," the report concludes. "There is a clear need for an investigative mechanism which adequately and appropriately addresses the circumstances surrounding these deaths. The Article 2 jurisprudence imposes an obligation upon the state to establish investigative procedures which will address that need."

"In light of the obvious shortcomings of the current mechanisms for investigating healthcare fatalities in Northern Ireland, and the financial and emotional cost of avoidable healthcare fatalities, that obligation has become an urgent imperative," insists Professor McGleenan.