

**Young, Christine**

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**From:** Moore, Martin  
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**To:** Gowdy, Clive; Campbell, Dr Henrietta; Maquire, Philip; Baxter, Clare; Edgar, Leona; McCarthy, Miriam; 'colm.shannon' [REDACTED] Lindsay, Sharon; Carson, Ian; Hamilton, Andrew  
**Subject:** New Lucy Crawford stories - Impartial Reporter 041104 . Fermanagh Herald 031104

Impartial Reporter

## Inquiry confusion

Confusion has arisen over the independent inquiry announced this week by Health Minister, Angela Smith into the deaths of Letterbreen girl Lucy Crawford, and two other children in hospitals in Northern Ireland.

As revealed in last week's Impartial Reporter, the PSNI is conducting a major investigation into all cases, following the recent UTV "Insight" revelations.

Angela Smith announced an inquiry on Monday, but on Tuesday evening, the police insisted that their investigation goes ahead. In the Observer newspaper on Sunday, Henry McDonald reported that "up to a dozen doctors and senior health service administrators are to be questioned under caution by police."

On Monday evening, NIO Minister Angela Smith announced she had telephoned the three families to inform them of an inquiry she was setting up. She has appointed Mr John O'Hara QC to conduct the inquiry.

The Minister said: "I regard it as very important that the general public should have confidence in the health service and in the standards of performance of all who work in it. The television programme has raised a number of serious issues and allegations which need to be investigated." However, the Minister has not announced the full terms of reference for the inquiry and the Department is not giving further details.

It is understood that the inquiry will be set up under the Health and Personal Social Services Order, 1972. John O'Hara QC, met with senior officials at the Department of Health headquarters yesterday (Wednesday) to discuss the inquiry.

Under the 1972 order, anyone who refuses to give evidence shall be guilty of an offence and liable to prosecution. This may be particularly relevant for Dr. Jarlath O'Donohoe, who refused to give evidence at the inquest into Lucy's death in February.

It is understood that there are serious concerns about the holding of an inquiry while a criminal investigation is continuing.

A PSNI spokesman is quoted as saying: "The PSNI investigation is continuing. At this time, the PSNI is not aware of the terms of reference for the inquiry."

Earlier this year, the government postponed the inquiry into the murder of Belfast solicitor, Pat Finucane, concerned that the Stephens investigation was continuing and prosecutions may still arise.

Fermanagh-south Tyrone DUP Assembly member, Arlene Foster has welcomed the inquiry, but has warned that medical input it must come from outside the Province.



"I am relieved that the Minister has finally established an inquiry, but remain adamant that individuals sought to provide expertise from a medical perspective should come from outside Northern Ireland. Since we are a small province, those who reach the top in any specialist field practically all know each other, as they will have worked and trained together."

Mrs Foster also said: "I also want to know exactly what powers the inquiry will have. Will it be held in public and can witnesses be compelled to give evidence? It is imperative that the inquiry goes further than simply examining the hospital care the children received, and focuses on how local Trusts and the DHSSPS reacted."

Indeed, Mrs Foster will not be alone in asking such questions.

The Department of Health insisted yesterday: "The Police investigation is more narrow than ours - theirs concentrates on criminal matters. We are looking at the totality of issues, for example, the complaints procedure and information given to the families. John O'Hara is aware of the above issues and is happy to proceed with the investigation."

But, questions still remain unanswered, three days after the Health Minister announced the inquiry:

What are the terms of reference for the inquiry?

Will the families have legal representation?

What is confusing is whether witnesses, doctors or health Trust executives, for example, will be prepared to give evidence to an inquiry while the possibility of a criminal prosecution hangs over their head.

The Department's statement does not address this concern.

In the past, it has been accepted that a police investigation takes primacy over any other examination. It's not known how the PSNI view the Department's apparent decision to move ahead with an inquiry while it conducts its investigation. Obviously, the inquiry will be seeking to hear from the very same people that the police will want to question under caution.

Fermagh Herald

## Lucy's case takes a new twist

By Michael Breslin <mailto:m.breslin@fermaghherald.com>

The deaths of Lucy Crawford, the 17-month old child from Letterbreen, who died in April 2000 and those of two other children, Raychel Ferguson and Adam Strain, all of whom, it has been alleged, died needlessly from a condition known as, hyponatraemia- a shortage of sodium in the body - are to be the subject of an independent enquiry ordered this week by the Health Minister, Angela Smith.

It follows the recent UTV 'Insight' programme, 'When Hospitals Kill' which focused on their deaths and, in the case of Lucy, alleged a cover-up, both here and in Belfast to where the infant was transferred and died.

The proposed enquiry, to be conducted by John O'Hara, QC who headed up the human organs' retention



enquiry, comes hard on the heels of confirmation of a Police enquiry which, it is understood, will be led by a senior investigating officer, Jim Gault who is based at Maydown Police Station in Derry.

Yesterday, a PSNI spokesman said the Police investigating team would be liaising with the Northern Ireland Office and would pass on to Mr O'Hara's enquiry any information that might be of use.

The Minister, Angela Smith revealed that she had spoken directly to the three families to tell them of the enquiry. She said the death of a child was tragic and something which her Department took very seriously.

'I regard it as very important that the general public should have confidence in the health service and in the standards of performance of all who work in it. This ('Insight') television programme has raised a number of serious issues and allegations which need to be investigated', she added.

The respectable Sunday newspaper, 'The Observer' claimed that up to a dozen doctors and senior health service administrators are to be questioned under caution by Police over the deaths of the three children. The journalist, Henry McDonald, its Ireland Editor, said the PSNI were called in by the Belfast Coroner, John Leckey: 'He was concerned about statements given by medical staff at an inquest into Lucy's death. It has been established that a fundamentally wrong death certificate was issued, stating she had died of gastro-enteritis and dehydration. The Police will be examining why a doctor at the Royal issued that statement to the Coroner'.

The article suggested that those who will be questioned by the Police include some of the most senior medical figures in Northern Ireland, along with doctors directly involved in Lucy's care. It also claimed that Mr Leckey had reported a number of doctors at the Erne Hospital to the General Medical Council over witness statements. There is absolutely no suggestion of any malice in the children's deaths. However, the PSNI enquiry will focus on allegations of medical negligence and cover-up, by both doctors and Health Trust managers.

In a statement released yesterday (Tuesday), the Sperrin Lakeland Trust welcomed the Minister's announcement of an enquiry and promised it would fully cooperate with and contribute to the enquiry.

The Trust statement went on: 'The Trust concurs with the Minister's recognition of the tragic circumstances and sensitivities which this enquiry will address and acknowledges the importance of maintaining public confidence in the health service.

'As the enquiry is not specific to Sperrin Lakeland Trust, and in pursuance of our pending cooperation and contribution, we would deem it inappropriate to respond further to associated media interest at this time'.

The 'Insight' programme is on the agenda for this week's meeting of the Western Health and Social Services Council whose chief executive, Maggie Reilly explained to the 'Herald' that the decision to include it had been taken before the Minister's announcement.

'We very much welcome that. We don't as yet know the scope of her enquiry or its terms of reference but what we would certainly be hoping for is that it will be broad enough to encompass all of the aspects of both the care of the children concerned, the management of the internal enquiry and how the families were treated'.

Ms Reilly said she hoped the enquiry would extend as far as the Chief Medical Officer: 'We all really want a top to bottom enquiry. We feel very unhappy about the way it has been handled, and we have made it known to the Trust from the very beginning. It is our fervent hope that this enquiry will get to all of the issues raised by the (television) programme'.



She said her committee would be keeping a watchful brief on Mr 'O'Hara's enquiry whose findings, she stress, must be made public: 'Above all, the parents of these children have to find a resolution through this process and the public have to have confidence in their hospitals, the clinicians and the Trust management'.

The enquiry had been called for, by among others, Marie Ferguson whose 9-year old daughter, Raychel died after being admitted to Altnagelvin Hospital in June, 2001, just over a year after Lucy died. According to the Coroner, Raychel was given an incorrect dose of fluids which, as in Lucy's case, caused her brain to swell.

Mrs Ferguson, speaking before this week's announcement of an enquiry, said a public enquiry was the only way to get at the truth and she called for the doctors involved along with senior medical officers and those heading the health trust to resign.

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