

Director

Alphy Maginness

Assistant Directors

Donna Scott

Hilary Wells

Our Ref: INQ T50/9/15.ds

Date: 8 October 2002

Mrs Therese Brown
Risk Management Co-Ordinator
Altnagelvin Hospitals H&SS Trust
Altnagelvin Area Hospital
Glenshane Road
LONDONDERRY
BT47 1SB



Dear Madam

RACHAEL FERGUSON (DECEASED)

I refer to the above matter and enclose herewith a copy letter received from Counsel dated the 7th instant regarding the recent Hearing before the Coroner. I would refer to our earlier telephone conversation regarding the nomination for an independent consultant paediatric anaesthetist and note that I have your authority to approach Dr Brian Lynch, Consultant Paediatric Neurologist in Dublin and ask him whether he would have some suggestions regarding a consultant paediatric anaesthetist who could be retained. I shall revert to you regarding this issue. I note that you are still awaiting confirmation regarding the availability of witnesses and I would be obliged if you could revert to me regarding same as soon as ever possible as it will be necessary for me to revert to the Coroner without delay. I await hearing from you.

Yours faithfully


D SCOTT
Assistant Director of Legal Services

Direct Line No: [REDACTED]
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Derek Burgoyne

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Eileen Finnegan

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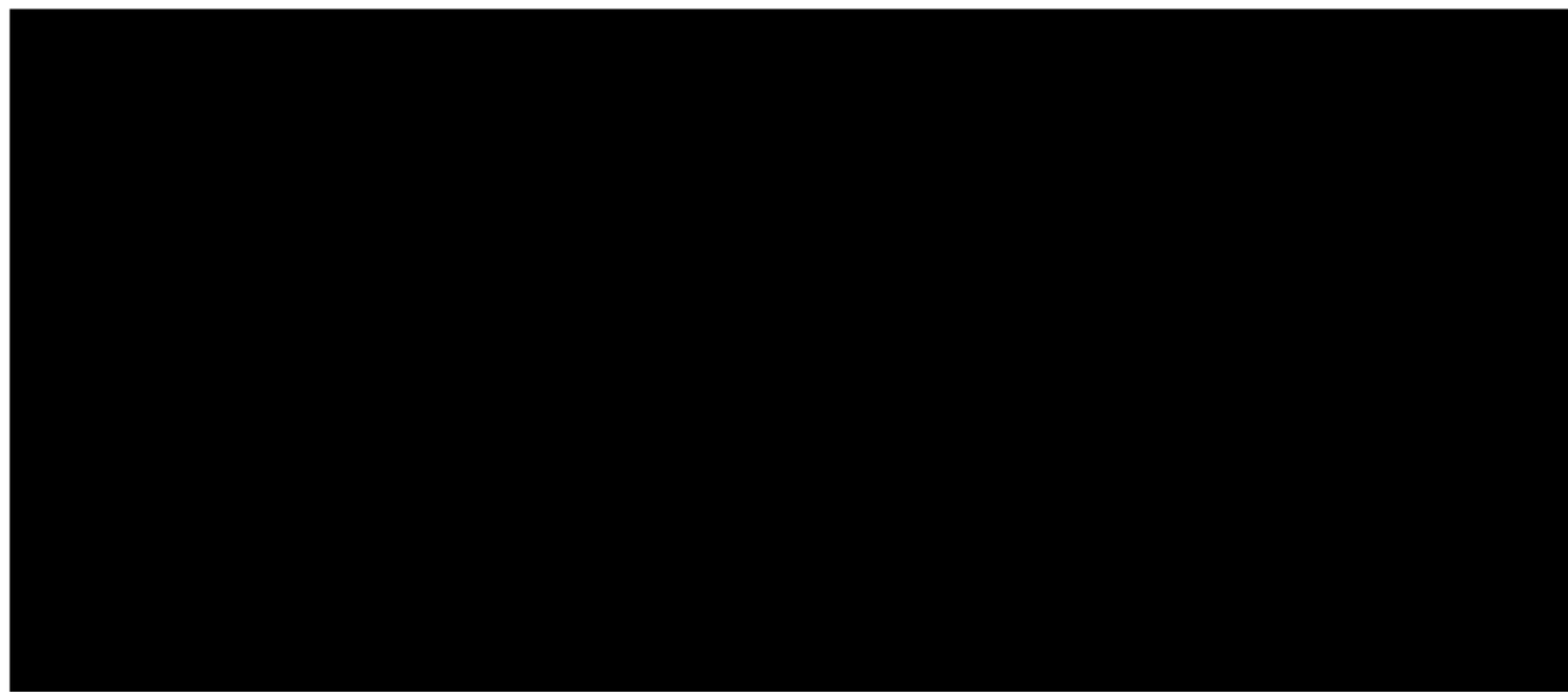
Siobhan McCrory

Kathryn Minnis

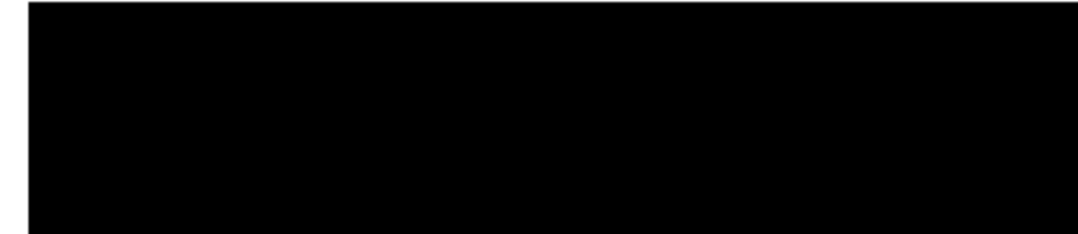
Jonathan Taylor

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**Gerald McAlinden
Barrister-At-Law**



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Your Ref: MN INQ T50/9/15

Date: 7 October, 2002.

Mrs Donna Scott, LL.B.,
Assistant Director of Legal Services,
Central Services Agency,
25 Adelaide Street,
Belfast BT2 8FH.

Dear Madam.

Re: Ferguson (Deceased) -v- Altnagelvin Hospitals Health and Social Services
Trust.

I appeared on behalf of the Trust at the recent hearing before Mr Leckey the
Coroner for Greater Belfast, in which he decided that in cases of this nature Article 2
of the ECHR did not require him to carry out a more detailed investigation than that
which is required under the present Coroner's Rules.

It would appear that this and other similar cases will now be heard prior to the
House of Lords giving its decision in the case of R (Amin) v Secretary of State for

the Home Department: R (Middleton) v Coroner for West Somersetshire

In order to ensure that all possible steps are taken to protect the Trust's interests in this case, I would advise that a report should be obtained from an independent Consultant Paediatric Anaesthetist who should comment on management of this case, the contents of Dr Sumner's Report and the steps taken by the Trust following this incident to ensure that such an incident could not occur again. The independent expert should be provided with all the relevant notes and records, the report prepared by Dr Sumner and the other statements obtained by the Coroner. It will also be necessary to furnish to the independent expert all documentation relating to the Trust's investigations into this incident and all recommendations made by the Trust and protocols implemented by the Trust following this incident.

Once this report has been obtained, please furnish me with a copy to enable me to comment on the same prior to the submission of the report to the Coroner. If it is deemed appropriate to furnish the report to the Coroner, a copy should be provided by the Coroner and the Coroner should be invited to allow the expert to give evidence at the hearing of the Inquest.

Yours faithfully,

Gerald McAlinden.