

## McPeake Phil

From: MacSherry Eavan  
Sent: 27 May 2004 10:04  
To: '~DSullivan'  
Cc: '~FTullin'; O'Rawe Bridget; McGurk Marese; Fee Eugene; McPeake Phil; Kelly Jim;  
Subject: Kettyle Jenny Meeting  
importance: High

*LC SLT*

I can confirm that Eugene Fee, Jim Kelly, Bridget O'Rawe and myself will meet with you on Tuesday 01 June 2004 at 10.00am in your office.

Further to the specific enquiries ~

1) In the context of the death being recorded as gastroenteritis why did we commission an external review? The primary reason was that the Trust didn't know why the child had died. It would be uncommon for a child to die from gastroenteritis. There was also a discrepancy regarding the recording of the rate of fluid perscribed and communication problems between the two doctors and between doctors and nurses. An external examination of these issues was desirable.

2) In light of the recorded death why did the Trust settle out of court? The initial approach taken by the Trust was to contest this claim on the basis of the Bolam principle. The cause of death became apparent after the Rachel Ferguson death and subsequent inquest. A medico-legal opinion received in early 2003 advised that it would be a difficult case to defend given the recording and communication issues. Following discussion with counsel the Trust changed its approach and moved to settle out of court.

I hope this information is helpful. We can add to when we meet.

Best wishes

HUGH MILLS  
(Chief Executive)

