

FINANCE, LITIGATION & IT

WESTCARE
BUSINESS SERVICES

WHA558, Foyle & Sperrin Lakeland HSS Trusts in partnership

MEMORANDUM

[REDACTED]

TO: Ms B O'Rawe, Director of Corporate Affairs

FROM: Mr Kevin Doherty, Litigation Services Manager

DATE: 26 July 2004

SUBJECT: LC CASE: RCA EXERCISE

[REDACTED]

Bridget,

I would refer to the above and your memo of 29 June 2004.

I am enclosing chronology of key steps/actions and interactions from the Litigation perspective. I would welcome your comments.

Many thanks.


KEVIN DOHERTY

Enc

[REDACTED]

Tie up with my ^{my} RCA file on LC case 30/7/04 along with journals.
Plack receipt to Kevin indicate 100 gple to be on road for weeks
to

Finance, Litigation & IT - Lilac Villa - Gransha Park - Clooney Road - Londonderry - BT47 6WJ
Telephone: [REDACTED] Ex [REDACTED] Fax No: [REDACTED]



047-104-233

LC-SLT

WESTCARE

CLINICAL NEGLIGENCE CLAIM
LUCY CRAWFORD (DECEASED) –V- SLT

RCA EXERCISE
CHRONOLOGY OF KEY STEPS/ACTIONS/INTERACTION

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| <u>30 April 2001</u> | Letter of claim received at Sperrin Lakeland HSC Trust |
| <u>7 May 2001</u> | Letter of claim received by Litigation Services Department, Westcare Business Services. |
| <u>May 2001</u> | Letter of claim acknowledged and forwarded to Legal Directorate, Central Services Agency and file opened. |
| <u>8 May 2001</u> | Health Records requested from Erne Hospital. |
| <u>8 May 2001</u> | Copy of Mr Mills' letter to family received. |
| <u>18 May 2001</u> | Copy of Trust's complaint file received and forwarded to Legal Directorate. |
| <u>15 June 2001</u> | Lucy Crawford's Health Records received. |
| <u>25 June 2001</u> | Writ of Summons served and copy of memo of Appearance received. |
| <u>25 June 2001</u> | Case discussed at Trust's Scrutiny Committee. Legal Directorate to contact Coroners Office to check details regarding Inquest. |
| <u>23 August 2001</u> | Copy of Post Mortem Report sent to Legal Directorate. |
| <u>12 October 2001</u> | Statement of Claim received via Directorate of Legal Services (DLS). |
| <u>12 October 2001</u> | Advised by DLS that Coroners Office had confirmed a Death Certificate had been issued on 14 April 2001 and that there will not be an Inquest. |
| <u>15 October 2001</u> | Notice for Further & Better Particulars issued. |
| <u>17 October 2001</u> | Counsel Advised received. Case to be discussed at Trust's Scrutiny Committee on 15 November 2001. |
| <u>15 November 2001</u> | Case discussed at Trust's Scrutiny Committee. Independent Expert identified and agreed. Report to be requested from Dr J Jenkins. |

Finance, Litigation & IT
July 2004

LUCY CRAWFORD (DECEASED) –V- SLT – (continued)

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| <u>12 February 2002</u> | Copy of Dr Malik's report sent to DLS. |
| <u>12 April 2002</u> | Case discussed at Trust's Scrutiny Committee. Dr Jenkins' report considered. Agreed that papers would be returned to Counsel for further advices. DLS to confirm possibility of Inquest being held. |
| <u>18 June 2002</u> | Update Counsel Advices received referring to issues raised in Dr Jenkins' report particularly record keeping. Case to be discussed at Trust's Scrutiny Committee on 19 July 2002. |
| <u>19 July 2002</u> | Trust's Scrutiny Committee discuss Case and agreed that Dr Kelly consult with Counsel. |
| <u>26 September 2002</u> | Consultation arranged for 18 November 2002 with Counsel/DLS/ Dr Kelly. |
| <u>18 November 2002</u> | <p>Consultation takes place between Dr Kelly and Counsel. Dr Jenkins concerns were raised. It was considered that there would be difficulty mounting a successful defence.</p> <p>Dr Kelly gave Counsel authority to enter discussions with Plaintiff's Counsel.</p> |
| <u>28 November 2002</u> | Replies to Notice for Further & Better Particulars received and shared with Counsel. |
| <u>14 February 2003</u> | Case discussed at Trust's Scrutiny Committee. The Plaintiff's Counsel will consult with family week commencing 17 February 2003. He indicates that the family would be unwilling to agree settlement which included no admission of liability and confidentiality clause. Ms O'Rawe to discuss position with Dr Kelly. |
| <u>18 March 2003</u> | Ms O'Rawe e-mails D Scott to consider possible new form of approach to family. Ms Scott to contact Ms O'Rawe. |
| <u>25 April 2003</u> | <p>Dr J Leckey writes to Dr Kelly to inform him that he will hold an Inquest.</p> <p>He enclosed a copy of Dr E Sumner's report and asks that it be shared with staff involved. Dr Leckey also requests that statements from these staff be obtained.</p> |
| <u>21 May 2003</u> | Case discussed at Trust's Scrutiny Committee. The Group noted that an Inquest was now confirmed and the Case was in the Clinical Case Call-over 3 June 2003. It was agreed that all Statements be sent to DLS before forwarding to Coroner. |

LUCY CRAWFORD (DECEASED) –V- SLT – (continued)

11 June 2003 DLS advise that clinical negligence claim is listed for Hearing on 15 December 2003.

24 August 2003 Dr O'Donaghue and Dr Auterson supplied involvement report to Dr Kelly. Reports requested from Nursing staff via Dr Kelly's office. Attempts made to trace Dr Malik who was the SHO involved with Lucy's care management. Dr O'Donaghue's/Dr Auterson's reports sent to DLS for consideration.

29 September 2003 Nursing involvement reports received and forwarded to DLS.

7 October 2003 Drs O'Donaghue/Auterson advised of DLS consideration and recommendations regarding their reports.

10 October 2003 Amended Clinicians statements forwarded to DLS.

20 October 2003 DLS advise that Inquest unlikely to be heard prior to Hearing in High Court and ask Trust to confirm whether an adjournment be requested or alternatively should settlement negotiations be opened.

5 November 2003 Nursing reports sent to Coroner's office.

18 November 2003 Ms O'Rawe confirms that the Trust's view is to secure a settlement with the family. D Scott and Counsel advised.

2 December 2003 Counsel advises that it is proving difficult to get agreement on settlement without admission of liability. He further advises that given the analysis of the facts that we should admit liability as judgement would be given against the Trust if the Case ran.

Consultation set up for 9 December. Dr Auterson's report sent to Coroner.

9 December 2003 Consultation takes place. In attendance are Drs O'Donaghue, Auterson, with K Doherty, D Scott and P Good, QC.

10 December 2003 Trust advised by D Scott, DLS, that Dr O'Donaghue accepts that there is liability. Ms O'Rawe confirms with D Scott that the Trust has no objections to an open letter being sent to the Plaintiff's solicitors confirming there will be no contesting of the liability issue.

11 December 2003 D Scott, DLS contacts BO'Rawe seeking approval for [REDACTED] settlement. Authority given by Ms O'Rawe.

12 December 2003 Claim is settled in the sum of [REDACTED]. Trust advised of outcome. Drs O'Donaghue/Autherson advised that Case had been settled.

12 December 2003 Dr O'Donaghue's statement sent to Coroner.

LUCY CRAWFORD (DECEASED) –V- SLT – (continued)

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| <u>12 January 2004</u> | Letters to Drs O'Donaghue/Autersons' acknowledging their assistance in the Clinical Negligence Claim. |
| <u>12 January 2004</u> | Letters sent to Ester Miller. Dr Auterson and Dr O'Donaghue advising that the Inquest had been set for 17 February 2004. Ester Miller asked to advise relevant Nursing staff. |
| <u>15 January 2004</u> | Counsel agrees consultation date with staff will be 5 February 2004 in Erne Hospital. |
| <u>19 January 2004</u> | Ester Miller asked to inform Nursing staff of consultation and ensure their attendance. Dr O'Donaghue and Dr Auterson informed of consultation. |
| <u>22 January 2004</u> | Coroner's office request copy of Staff Nurse McNeil's statement. This is forwarded to their office. |
| <u>26 January 2004</u> | Dr Jenkins' article on prevention of hyponatremia shared with Dr Kelly and Ms B O'Rawe. |
| <u>5 February 2004</u> | Consultation held in Erne Hospital with Clinical Nursing Staff, DLS, Counsel, K Doherty, E Fee and E Miller. |
| <u>9 February 2004</u> | Confirmed with Coroner's office that Dr Malik cannot be traced. He may have gone back to Pakistan. |
| <u>10 February 2004</u> | Coroner's office confirms that they too have been unable to trace Dr Malik. |
| <u>17-19 February 2004</u> | Inquest is held with Dr Leckey presiding. |