

Young, Christine

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From: Baxter, Clare  
Sent: 03 February 2005 16:00  
To: Campbell, Dr Henrietta; Carson, Ian; Gowdy, Clive; McCarthy, Miriam  
Subject: Hyponatraemia inquiry

FYI - please find attached notes from the morning session of the first hearing. Dr Kieran Deeny was due to speak in the afternoon and he would have been the last person to speak. There will no hearing tomorrow.



IHRD  
Hyponatraemia Inquiry -

Clare

Public Hearing – Thursday, 3 February 2004

The public enquiry into the deaths of three children in hospitals across the province got under way today with the first public hearing, chaired by QC John O'Hara.

Mr John O'Hara opened with his expression of sympathy to the families of these unfortunate children. He proceeded then to highlight changes that would be made to the procedure of the inquiry.

Due to the fact that the inquiry will be of a quitorial and not adversarial nature, the chairman of the independent inquiry stated that extensive cross-examination of witnesses would not be necessary. He accepted that cross-examination however would be permitted at the oral hearing stage of the inquiry with the expectation that this concession would not be abused in any way by the appointed legal representatives.

With regard to the matter of legal representation for the families of the children, Mr O'Hara suggested that the families might engage senior representation. He proposed the idea of providing a single Q.C for the three families collectively, and put it to the families that if they were opposed to this proposition they would have to provide substantial evidence as to why.

The chairman proceeded to clarify issues within the plan for the inquiry. The issue of delay was outlined, concluding that the gathering of witness statements would occur in May and June of this year, with oral hearings beginning in October/November time. The date set for the beginning of the report was stated to be February to March of next year.

The inquest into the death of Lucy is as yet ongoing. Mr O'Hara stated that because of this the investigation into her death would have to be deferred until its completion. In the meantime there will be a full investigation into Adam's death and most of Raychel's circumstances would be investigated too. The chairman then revealed that the death of a fourth child in October 1996 would be added to this inquiry.

Mr O'Hara revealed that the frequency of deaths from hyponatraemia as the main cause in the last twenty years was eight. There have been 55 other deaths with hyponatraemia as a secondary cause, sixteen of which were registered in 2002/03. He revealed also that there would be research into the frequency of deaths of this nature in other countries.

The chairman went on to say that the inquiry had received eighty lever arch files of documents referring to the deaths of these three children and the condition that caused their deaths. These documents will be made accessible to the families and their legal representatives on a website later on this year.

The chairman then handed over to the families' legal representatives; Mr and Mrs Slavin (the mother of Adam Strain) were represented by Dr McGleenan.



He highlighted the dearth of civil litigation available to the family and asked that hard copies of any documentation involved in the inquiry be presented to him. He also restated the need for firewalls in this website to secure the documents. He also proposed that the family representatives be allowed to access expert advisors to help with the cross examination of witnesses. In the matter of a multiplicity of interested parties being allowed to access the documents contained within the website. Dr McGleenan suggested the need for deciphering which individuals and parties could be considered an interested party.

Mr MacAteer represented the Crawford family he asked the tribunal to acknowledge the level of distrust that still exists between the family and the department of Health. He outlined the importance of the proposed timetable being kept under review. The inclusion of the DPP researching this case could delay matters and throw the agenda. Mr MacAteer asked also that the family representation receive the documentation before any redaction could occur.

Mr Coyle represented the Ferguson family. He outlined the value of the Attorney General's assurance in this inquiry. He then commended the timetable saying that it allowed for preparation of the case and assimilation of evidence and documentation. He also stated that there might be value in peer review to ensure the case is thoroughly evaluated.

Dr Kieran Deeny, a GP from Carrickmore, was due to speak in the afternoon session. It was agreed that there was no need to bring people back for a second day as outstanding issues had been resolved. Oral hearings are due to be heard in October/November time.