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Sent: 25 November 2004 11:28
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Subject: Crawford stories - Impartial Reporter & Fermanagh Herald 25.11.04

Fermanagh Herald

Minister sets up inquiry into three child deaths

Parents of two of the three children into whose deaths, from hyponatraemia, the Health Minister, Angela Smith commissioned an independent inquiry, which will be held in public, have taken issue with the involvement of her Department in the inquiry team.

The inquiry will be chaired by John O'Hara, QC who, at last week's media briefing in Belfast met the parents of Lucy Crawford, Adam Strain and Raychel Ferguson.

Marie Ferguson said that she was unhappy that two staff members from the Department of Health had been appointed to the inquiry and she called on Mr O'Hara to remove them. Jay Slavin, the guardian of Adam Strain, insisted that legal representatives acting for the next-of-kin should be able to question witnesses.

Concerns

The Minister is due to meet with the parents this week to hear their concerns but, speaking on Monday night's 'The Issue' programme, she insisted that no one, including from within her own Department, would be exempt from being called to give evidence to the inquiry.

The inquiry now brings to three the number of inquiries arising from the 'Insight' programme, which claimed that the deaths of all three children could have been avoided (wrong fluids at too high a dosage) and further alleged a cover-up in respect of Lucy Crawford.

Dr Jarleth O'Donohue, who had overall charge of Lucy's treatment, has been summoned to appear before the General Medical Council.

It has promised to report within eight months of last September's announcement of a hearing, which means that its Report should be available to the O'Hara inquiry, whose own Report has been promised by next June.

Then, there is the police enquiry, which - as Mr O'Hara admitted this week - could restrict a witness from testifying to his inquiry for fear of incriminating himself / herself prior to the PSNI inquiry.

In any event, the Minister set out her stall last Thursday when she announced the terms of reference for the O'Hara inquiry into the deaths of the three children.

She insisted that the terms of reference she had set for the inquiry, together with the powers available to Mr O'Hara were, 'wide-ranging and should ensure that the enquiry deals with all the

issues of concern'.

The Minister then spelt out the areas that she wanted the inquiry to look at:

¥ The care and treatment of Adam Strain, Lucy Crawford and Raychel Ferguson, especially in relation to the management of fluid balance and the choice and administration of intravenous fluids in each case.

¥ The actions of the statutory authorities, other organisations and responsible individuals concerned in the procedures, investigations and events, which followed the deaths.

¥ The communications with, and explanations given to, the respective families and others by the relevant authorities.

Arrangements

She stated that the detailed arrangements for the conduct of the inquiry would be a matter for Mr O'Hara who, she stressed, would have the power to require any person to attend and give evidence to and to furnish information to any matter in question at the inquiry.

She commented: "I have every confidence that Mr O'Hara will conduct a thorough and rigorous inquiry and that he will establish what happened in these tragic cases."

● O'Hara has been tasked to have his Report on the desk of the Health Minister by 1st June next year, 'or such other date as may be agreed with the Department'. He has also been given the scope to examine and report on any other relevant matters that arise in connection with the inquiry.

This week, Mr O'Hara said that he would firstly gather together all the documentary evidence arising from the treatments of the three children and their deaths, including Coroners' reports. He would then decide where to go once he had done that.

Locally, interest will be focused on the Lucy Crawford case. She was admitted to the Children's Ward of the Erne hospital on 12th April, 2000, at 7.20pm. A drip was inserted at 10.30pm but Lucy's condition worsened and she was placed in the hospital's intensive care unit at 3.35am the next morning.

Within two hours, she had been transferred to the Royal Hospital For Sick Children, Dr O'Donohue and a nurse travelling with her in the ambulance. On Friday, 14th April, Lucy's ventilator was switched off.

Earlier this year, the Chief Medical Officer with the Department of Health, Dr Henrietta Campbell attributed the deaths to, 'an abnormal reaction in certain children'.

Impartial reporter

New acute hospital will be built in Enniskillen

Health Minister, Angela Smith has confirmed that she is committed to Enniskillen being the site for the new acute hospital for the south-west of the Province.

The confirmation of the decision came following the announcement last week of the terms of reference for the inquiry into the deaths of three children in hospital in Northern Ireland. One of the three, Letterbreen girl Lucy Crawford died in April 2000 due to mistakes at the Erne Hospital in Enniskillen.

However, it took almost four years for an inquest to be held to confirm the true cause of death, and there has been widespread publicity about the case and the way it was handled by hospital managers at the Sperrin Lakeland Trust.

The Crawford family have still not been given an explanation by the Trust of what went wrong, and within the past week, Lucy's mother, Mae Crawford has held separate meetings with the Health Minister and with Mr John O'Hara, QC who has been asked to conduct the inquiry.

In an exclusive interview with the Impartial Reporter, the Health Minister, Ms Smith said the terms of reference for the inquiry were very broad.

"My brief to John O'Hara is 'go out and get the truth'. This inquiry must be full, robust and thorough," said the Minister.

She said she believed that staff at the hospital would view the inquiry positively, and it was important for their morale also that the truth came out.

And in answer to a question about how events would affect the future of the hospital, the Health Minister was adamant that it was a "completely separate issue."

"I want to re-assure your readers, and the staff, that the decision on the site of the hospital was taken for sound medical reasons," said the Minister. "I am still committed to that decision. That decision stands," she said.

Critics of publicity over the Lucy Crawford case have accused journalists of putting the future of the new hospital in danger. And recently, campaigners in Omagh have unashamedly seized on events to try to have the decision overturned. Omagh District Council has cut off formal links with the Sperrin Lakeland Trust and are suggesting Fermanagh District Council do the same.

However, instead Fermanagh Council met the Trust privately, in spite of the fact that the Trust is not only under investigation from a public inquiry, but from a police investigation.

The debate over the new hospital has muddied the waters, unnecessarily so.

To begin with, it was not the Sperrin Lakeland Trust which delivered the decision in Enniskillen's favour. Several review exercises were held, and following the latest independent one by Maurice Hayes, former Health Minister Des Browne properly decided that Enniskillen should be the site.

Indeed, some people in this area have been critical of the Trust for not pushing ahead and being firmer in their carrying out of the decision.

Even if the decision was dramatically overturned, the Trust is the body which would be responsible for delivering the hospital in Omagh.

In addition, it is not the Erne Hospital as such which has come under fire, but the health service generally in Northern Ireland and its accountability. Two other hospitals, the Altnagelvin in Derry and the Royal Victoria Children's Hospital in Belfast are also in the spotlight.

From the very beginning, both the Impartial Reporter and the Crawford family have been clear that the many good staff at the Erne Hospital should not be tainted by the failings of management.

Regardless of all these factors, it is clear that Government would find it impossible now to take the

new hospital away from Enniskillen.

However, the Minister's re-commitment to Enniskillen this week should reassure campaigners and staff in the area.

Inquiry under pressure

The O'Hara inquiry into the deaths of three children in hospitals in Northern Ireland is already under pressure after last week's announcement of its terms of reference.

The independent inquiry, called by Northern Ireland Health Minister, Angela Smith will probe the deaths of Belfast boy Adam Strain, Letterbreen girl, Lucy Crawford and Raychel Ferguson from Derry. It will also look at how the authorities investigated the deaths and how they communicated with the families in explaining the deaths.

Ironically, considering this last point, one of the criticisms is that neither the Minister nor Mr John O'Hara, QC consulted the families in the weeks that the terms of reference were being drawn up.

In addition, one of the families has told Mr O'Hara that they do not consider him to be sufficiently independent because he is from Northern Ireland.

There has also been criticism of the proposals over legal representation of the families.

And two officials from the Department of Health have been seconded to the inquiry; the Department being one of the organisations to be investigated.

It hardly makes for an auspicious start to the inquiry, although both Ms Smith and Mr O'Hara have moved to counter criticisms.

The Minister telephoned the three families personally at the beginning of November to inform them that she had called the inquiry and that Mr O'Hara had agreed to conduct it. The Department then began drawing up the terms of reference, which were announced at a press briefing in Belfast last Thursday.

Hours before the briefing, Mr O'Hara met representatives of the families. He met Mrs Mae Crawford, from Letterbreen last Thursday morning.

In an interview with the Impartial Reporter after the briefing, Mr O'Hara said: "The families made it clear to me how bruised they are."

He went on: "Their concerns are obvious. They believe that their children's lives could and should have been saved. They believe that they have been misled and obstructed in their efforts to find out what happened."

This week, Mrs Crawford again travelled to Belfast, this time accompanied by the Chief Officer of the watchdog body, the Western Health and Social Services Council, Maggie Reilly to meet the Minister.

Mrs Reilly will go to Stormont again today to meet the Minister, this time with the Ferguson family. It is understood the Fergusons want a number of senior health management personnel suspended pending the outcome of the inquiry.

Following the meeting on Tuesday with Mrs Crawford, Mrs Reilly said: "It is important that the

families speak directly to the Minister to put their questions and concerns. With Mrs Crawford, we sought re-assurance that the families would be consulted at every stage from now on, and I will be re-inforcing that today."

Support for the families has also come from DUP Fermanagh-south Tyrone Assembly member, Arlene Foster who said this week: "We should never lose sight of the personal tragedies these families have endured. It is only reasonable that they should feel comfortable with an investigation conducted in public into the deaths of their children."

Mrs Foster revealed that the DUP had written to Angela Smith asking if legal aid would be provided to the families, and if she would appoint contacts to liaise with them.

Mrs Foster was also critical of the fact that civil servants from the Department of Health had been appointed to assist the investigation.

Ambrose Owens, originally from Fermanagh, is personal secretary to the Department Permanent Secretary, Clive Gowdy and Sharon Lindsay, personal private secretary to Ms Smith.

Mrs Foster said: "It seems beyond belief that they could have been appointed. A major part of the inquiry's remit is investigating the way the Department responded to the deaths."

Mrs Marie Ferguson, mother of Raychel, said: "It is like the family of Pat Finucane being told that the RUC and Army are helping run the public inquiry into his murder."

Last Thursday, Mr. O'Hara said that this had been pointed out to him, and he did not consider the two appointments "a real risk."

In an interview with the Impartial Reporter afterwards, Mr O'Hara went on to say that he believed the terms of reference could not be broader. He will have widespread powers under the Health and Personal Social Service Order 1972 to gain information and call witnesses to give evidence under oath.

The intention is to hold such sessions in public. But, Mr O'Hara said he was still giving consideration to how the inquiry would be conducted. He said that he had not planned to allow cross-examination of witnesses, who would instead be questioned by Counsel to the inquiry which he would appoint. Cross-examination could "mushroom" with every interested party employing legal representation, which could make the inquiry process a very long and expensive one.

However, in response to our suggestion that it would make it more effective, Mr O'Hara said he would be issuing a paper on his proposals in the coming weeks and would give consideration to the responses.

The initial target date for completion of the inquiry is June 2005, but Mr O'Hara is already conceding that this will be difficult to achieve, especially as a PSNI investigation is ongoing into the Lucy Crawford case.

Mr O'Hara also said he wanted to emphasise his own independence, and added: "I will ask all the questions that need to be asked."

After meeting the families, the questioning at the press briefing and subsequent criticism, Mr O'Hara can have been left in no doubt that there is intense interest in the inquiry and the pressure is on him to come up with the answers.

The Health Minister says her brief to him is "Go out and get the truth."

“The public interest is best served if the inquiry is conducted in an open and transparent way,” said the Minister. “The death of any child is tragic and it is essential that the investigation into these deaths is independent, comprehensive and rigorous.”
She said that she wanted Mr O’Hara’s inquiry to be “full, robust and thorough.”

Also Note: Impartial Reporter Poll (Live on website at moment)

Question : Do you believe the child deaths enquiry will be able to get at the truth?

| Option | Number of Votes | Percentage of Votes |
|------------|-----------------|---------------------|
| Yes | 1 | 20.00 % |
| No | 4 | 80.00 % |
| Don't know | 0 | 0.00 % |