

Fisher, Ruth

From: Sullivan, Dean
Sent: 22 November 2004 15:58
To: Hamilton, Andrew
Cc: Fisher, Ruth; Browne, Andrew
Subject: FW: COR/584/04 Scope of Independent Inquiry - Due 22 Nov 04

Importance: High

Andrew - for your consideration and onward transmission please.

Dean

-----Original Message-----

From: Fisher, Ruth
Sent: 22 November 2004 15:39
To: Sullivan, Dean
Subject: COR/584/04 Scope of Independent Inquiry - Due 22 Nov 04
Importance: High

Dean

Please find attached correspondence for your consideration.



Cor 584 04 Scope of Terms of
Independen... ference.doc (31 KB)

Ruth

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Independen... ference.doc (31 KB)

Ruth

From: Ruth Fisher
Eastern Board Unit
Secondary Care Directorate

Date: 22 November 2004

1. Dean Sullivan
2. Angela Smith

SCOPE OF INDEPENDENT INQUIRY

Issue: Letter from Iris Robinson MP, on the scope of the Independent Inquiry.

Timescale: Due 22 November 2004.

Presentational Issues: The setting up of the Inquiry into the issues raised by the recent UTV Insight programme 'When Hospitals Kill' continues to attract considerable media interest.

Recommendation: To issue a reply as in the attached draft.

Background

Iris Robinson, MP wrote to you on 3 November, following your conversation at Westminster, about the scope of the Inquiry into Hyponatraemia Related Deaths.

2. In light of the allegations raised in the UTV Insight Programme, broadcast on Thursday 21 October, you announced an independent inquiry into the deaths of Lucy Crawford, Raychel Ferguson and Adam Strain. This is to be conducted by Mr John O'Hara QC.
3. Mrs Robinson has stated that the scope of the Inquiry should be as broad as possible and in addition to examining the hospital care the children received it should also examine the response of the local Health Trusts.

She further states that the Inquiry must have the ability to compel witnesses, including doctors, to give evidence and that the proceedings should be in public. Finally, Mrs Robinson states that the provision of expert medical advice to the Inquiry must be obtained from outside Northern Ireland so as to minimise any potential conflict of interest.

Scope and Terms of Reference of the Inquiry

4. The Terms of Reference of the Inquiry were published on 18 November. It is thought that they provide the necessary breadth to enable the concerns of the families and the wider public to be fully addressed so as to restore public confidence in our health care system.

Powers of the Inquiry

5. The Inquiry is being established under Article 54 and Schedule 8 of the 1972 Health and Personal Social Services Order 1972. Under this legislation John O'Hara has wide ranging powers to require any person to attend and give evidence or to furnish information on any matter in question at the Inquiry. This should allay public concerns, as the Inquiry has the power to call on all of the key people involved.

Conduct of the Inquiry

6. The Inquiry will gather all available documentary evidence, obtain written submissions and then decide who needs to give oral evidence to the Inquiry. It is anticipated that, save in exceptional circumstances, this evidence will be given in public. In addition, all formal statements provided to the Inquiry are to be placed in the public domain. The final report of the Inquiry will be published.

Provision of Expert Advice to Inquiry

7. Mr O'Hara will certainly require access to professional paediatric and NHS general management advice. The Department has provided him with a list of appropriate candidates from both disciplines.

To avoid any possible conflict of interest, this advice will be obtained from outside Northern Ireland and the source of advice will be determined by Mr O'Hara himself. He may require input from other experts as the Inquiry develops.

Recommendation

8. I recommend that you reply along the lines of the attached draft

Ruth Fisher
Ext [REDACTED]

Copy Distribution:
CMO
CNO
Andrew Hamilton
Dr Miriam McCarthy
Andrew Browne

Iris Robinson MP
2B James Street
Newtownards
N. Ireland
BT23 4DY

Our ref: COR/584/2004

November 2004

Thank you for your letter of 3 November following our conversation at Westminster about the scope of the Inquiry into Hyponatraemia Related Deaths.

The death of a child is one of the worst things that can happen to any parent. I appreciate that the death of these children in a hospital setting and the subsequent investigation and publicity must be very difficult for their parents and for their wider family circle as well. I want to assure the families that the Independent Inquiry that I have set up will rigorously examine all the issues.

I regard it as very important that the general public should have confidence in the health service and in the standard of performance of all who work in it. That is why I have appointed John O'Hara QC to conduct an independent Inquiry into the issues raised by the recent UTV Insight programme.

I am confident that the Terms of Reference of the Inquiry (attached) provide the necessary breadth to enable the families concerns and those of the wider public to be fully addressed so as to restore public confidence in our health care system and help bring closure for those most affected by these tragic deaths.

The Inquiry is independent from Government and the hearing of oral evidence will be conducted in public, save in exceptional circumstances as may be

determined by the Chairman. All formal statements provided to the Inquiry are to be placed in the public domain and the final report will be published.

The Inquiry is being established under Article 54 and Schedule 8 of the Health and Personal Social Services (NI) Order 1972. This legislation gives Mr O'Hara wide-ranging powers to require any person to attend and give evidence or to furnish information on any matter in question at the Inquiry.

The Inquiry will have access to whatever professional advice the chairman deems necessary, including clinicians and NHS general management advice. To avoid any possible conflict of interest, this advice will be secured from outside Northern Ireland and the source of advice will be a matter for Mr O'Hara.

I regard the death of any child in hospital as a tragedy from which every possible lesson must be learnt and acted upon. That is why I have set up this Inquiry and will act upon its findings.

Angela Smith

Parliamentary Under-Secretary of State at the Northern Ireland Office

TERMS OF REFERENCE

To hold an Inquiry into the events surrounding and following the deaths of Adam Strain, Lucy Crawford and Raychel Ferguson, with particular reference to:

- (i) The care and treatment of Lucy Crawford, Raychel Ferguson and Adam Strain, especially in relation to the management of fluid balance and the choice and administration of intravenous fluids in each case.
- (ii) The actions of the statutory authorities, other organisations and responsible individuals concerned in the procedures, investigations and events which followed the deaths of Adam Strain, Lucy Crawford and Raychel Ferguson.
- (iii) The communications with and explanations given to the respective families and others by the relevant authorities.

In addition, the Inquiry will:

- (a) Report by 1 June 2005 or such other date as may be agreed with the Department, on the areas specifically identified above and, at the discretion of the Chair of the Inquiry, examine and report on any other relevant matters which arise in connection with the Inquiry.
- (b) Make such recommendations to the Department of Health, Social Services and Public Safety as the Chairman considers necessary and appropriate.