

Young, Christine

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Sent: 20 November 2004 02:19
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Subject: Briefing Re Issues Programme



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Teresa

as you are aware, UTV Issue programme came in with a completely fresh bid on Friday evening, The bid is not about the content of the inquiry but about the credibility of the inquiry.

There are very strong allegations that the inquiry is not credible, not independent and could lead to a whitewash.

In order to address these fears the Minister has agreed to participate. This will not be done in an in depth free for all 15 minute piece. Rather, the format will be as follows:

Introduction-1/2 mins

John O'Hara Interview-5/6 mins

Interview in studio with family/families-UTV state this will be the Strain family but will be UTV's call-5 mins

Minister from studio in London-5/6 mins

UTV then intend to go into a break. The second part of the show will deal with a political collection at the Linenhall Library. The Minister is aware of this and will not be asked on it. If UTV drop this second half and devote the whole programme to Inquiry then the deal is off.

UTV also agreed not to ask any questions on any matter which is subject to the actual inquiry or on people subject to the inquiry.

UTV can only ask questions re actions since the inquiry was set up i.e. the reason, methodology of doing so, and its independence.

UTV can only ask questions solely to the Minister. Families cannot ask direct questions or come back in after the Minister has spoken.

UTV cannot cut/edit Minister's comments

There is some specific factual information which I will chase up and it is noted in the attached.

The key here will be to use up the space with key messages

1. Determined to get to the truth

2. Families are valued/included in the process

3. Inquiry is strong/robust/independent-not flawed/not the platform for a whitewash/not the Dept investigating itself

4. Have every confidence in John O'Hara independently getting to the truth.

The Minister will be encouraged to fill the space by constantly repeating these key messages.

Lines attached have been agreed with Colm Shannon. I would appreciate any comments from those on cc list on my mobile on Monday [REDACTED] I will be in Millbank on Monday. The programme outlined above is scheduled for 4pm as life on Monday and will then go out at 11pm.

Happy to discuss and don't be alarmed by me sorting this out late-want to keep tomorrow free as much as possible for managing Corrymeela 2nds hopefully to victory.

Philip

SUBJECT AREAS RE ISSUE PROGRAMME

1. DECISION TO SET UP THE INQUIRY

Why did you set up the inquiry?

Three young children have died in hospital
I want to get to the truth surrounding their deaths
The families need to know the truth
The public need to have trust in the health service
They need confidence in the standards of performance
It is imperative that we do this in an open and independent way
I have every confidence that John O'Hara will do this.

Why wait for a TV programme to do this?

The television programme raised a number of serious allegations, which need to be investigated

What specific information did the TV programme shed fresh light on?

That is getting into the specifics of the investigation, which I do not wish to comment on.

Does the police investigation not supersede this inquiry?

No. The police investigation is narrower than ours. Theirs concentrates on criminal matters. We are looking at the totality of issues.

2. PROCESS OF SETTING UP THE INQUIRY

How did you set up the inquiry?

One of the first things I did was speak to the families who were involved in the programme and told them that there would be a full independent investigation.

I then made an announcement by press release on 1 November (programme went out on 28 October) that I had set up an independent inquiry and appointed John O'Hara.

(remember here that you had to ring back the families re John O'Hara's name-if in unlikely event it is raised you don't know how UTV got this but only proper to ring families back).

I then set the terms of reference.

Appropriate to take time to get this right to ensure that it would be open, transparent, and had appropriate powers.

(Synopsis of terms of reference:

- will look at care and treatment of 3 children
- Will look at the actions of statutory authorities, other organisations and responsible individuals
- will examine the communications with, and explanations given to the respective families and others)

Families argue that they were not consulted on the terms of reference. Why?

As Health Minister I was concerned about the tragic deaths of these three children.

It was my decision to set up an inquiry

It was also down to me to set the terms of reference

It was my decision to set them as wide as possible- that is only right and proper

What I have done is ensured that the terms of reference of the inquiry will be open, and transparent with no stone left unturned.

I am confident that Mr O'Hara will get to the truth in the inquiry.

Should there not be a family liaison officer-this is what the police set up/other inquiries have done

(need to find out more re this-may be a case of pointing out that this is being looked at and you have not ruled it out).

The Families feel strongly that you should have met/involved in the process with them before inquiry commenced. Surely that was only proper?

I spoke with the families before announcing the inquiry.

I would have had no problem meeting with them then,

I will be meeting with them this week (Crawford Tuesday, others on Thursday)

I will take that opportunity to allay any fear, anxiety or doubt they may have about the inquiry

(Perhaps include here comment they have made on the programme and address those comments)

I also wanted to get the inquiry started as quickly as possible. In fact UTV were very vociferous that the inquiry should have been started much quicker!

I fully agree that the families must feel part of the process and I will re-assure them of that when I meet them and re-assure them of the independence of John O'Hara and my confidence that he will get to the truth

Article 2 of The European Court on Convention of Human Rights states that if the state is involved in the death of someone then there has to be a prompt, efficient and independent inquiry. (Jordan et al-this was an IRA man shot dead by the British Army whose family took his case to the European Court) and that all families have a special place in

Inquiries. Did Sperrin Lakeland have a prompt efficient, independent inquiry?/Did the families have a special place?

The role of Sperrin Lakeland is being investigated in the inquiry. I cannot comment on the detail of that, as I don't want to get into the details of the inquiry.

Well then are you not in breach of Article 2 of the Convention/ Did you set up a prompt, independent, efficient inquiry?

Article 2 refers to the State being involved in the death. But we do not know yet if the deaths here were caused by the state. The Inquiry is investigating how the deaths occurred and who, if any, is responsible for these deaths. Let me re-assure everyone that this inquiry was set up promptly, efficiently and independently.

But Minister, these deaths occurred in a hospital. Hospitals are run by the state surely?

Yes they are. But there are 150,000 deaths in hospitals each year. We need to establish how these deaths occurred, who if any, was responsible, and I am confident that Mr O'Hara's inquiry will achieve that objective.

Harold Shipman was a doctor-the families had a special place in that inquiry?

And that was only right and proper.
The families have a special place in this inquiry as well.
I fully respect the rights of the families.
That is why I spoke with them before making the announcement.
That is why I am meeting with them this week
A key objective of the inquiry is to get to the truth for the families
They are very special in this and I will re-assure them of that when I meet them.

3. QUESTION OF INDEPENDENCE

But Minister how can you state that you have set up an independent inquiry if you have your own private secretary and the Permanent Secretary's senior official on that team? .

John O'Hara will be asking the questions
John O'Hara will be seeking the answers
John O'Hara will be making the report back to me
The civil servants, whose characters are impeccable, whose honesty is impeccable are there to solely support the inquiry in its work
They are simply providing administrative support

The Chair of the inquiry accepted this support and should the Chair feel that this support from these individuals is no longer appropriate then I will accept that decision.

I have though total believe in the independence of Mr O'Hara in carrying out this inquiry and getting to the truth.

But the Case of the Bristol Royal Infirmary/Harold Shipman shows just how independent an Inquiry should be.

(This is an inquiry into a high number of child deaths-will get more info on this before the interview)

I fully accept that these cases were independent inquiries
But the inquiry into the deaths of Adam Strain, Lucy Crawford, and Raychel Ferguson will also be independent. I have every confidence that John O'Hara will be independently summarising statements, independently calling witnesses, independently asking questions and independently seeking answers.

When I meet the families this week I will re-assure them of this independence.