

Ms Wendy Beggs
Directorate of Legal Services
2 Franklin Street
BELFAST
BT2 8DQ

Your Ref: NSCB04/1
NCSW50/1
NCSS71/1

Our Ref: AD-0122-10

Date: 23rd March 2010

Dear Ms Beggs,

Re Your Client(s):

- 1. Belfast Health & Social Care Trust**
- 2. Southern Health & Social Care Trust**
- 3. Western Health & Social Care Trust**
- 4. Health & Social Care Board**

Privilege issue in respect of Raychel Ferguson's documents

I refer to the above matter.

The last communication we had on this issue was your letter of 27th November 2009, confirming that your client did not intend to claim legal professional privilege in respect of the undernoted reports:

- Dr John Jenkins' reports dated 12th November 2002 and 27th January 2003
- Dr Declan Warde's report dated January 2003.

The skeleton argument submitted on behalf of the Ferguson family was confined to these documents. However, there remain other documents in respect of which your client has also claimed legal professional privilege. These are listed in a letter dated 24th May 2005 from Mr Magennis to the Inquiry, a copy of which I attach for your ease of reference.

In light of the Chairman's interpretation of the revised Terms of Reference, communicated to the interested parties in a letter dated 4th February 2010, all documents held by the Inquiry are currently being reviewed. As part of this process, the documents listed in the letter of 24th May 2005 have been examined. The Chairman considers that legal professional privilege may not properly attach to a number of them. I have highlighted these in yellow on the copy letter attached. I note that the presence of personal details in some of these documents was a cause of concern to your clients.

Secretary: Raymond Little **Deputy Secretary:** Bernie Conlon
Arthur House, 41 Arthur Street, Belfast, BT1 4GB
Email: inquiry@ihrdni.org **Website:** www.ihrdni.org **Tel:** 028 9044 6340 **Fax:** 028 9044 6341

However, such details (for example, addresses and telephone numbers) will be redacted in accordance with the Inquiry's document protocol.

I would be grateful if you would confirm that your client will not seek to continue to claim legal professional privilege in respect of the documents highlighted in yellow on the attached letter.

I would be obliged to receive your responses on this issue and to my letter of 9th February 2010 on or before Thursday 1st April 2010.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anne Dillon', written in a cursive style.

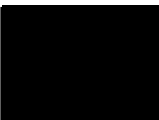
Anne Dillon
Solicitor to the Inquiry



Directorate
of Legal
Services

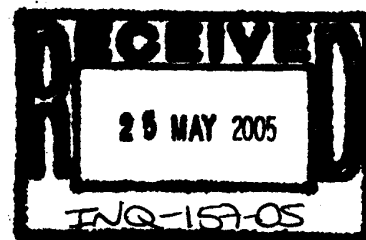
25 Adelaide Street
Belfast BT2 8FH

T
F
E



Our Ref: CNG T50/37/6

Date: 24 May 2005



The Inquiry into Hyponatraemia-related Deaths
3rd Floor
20 Adelaide Street
BELFAST
BT2 8GB

Dear Sir,

THE INQUIRY INTO HYPONATRAEMIA RELATED DEATHS.

Our clients Altnagelvin Area Hospital Health and Social Services Trust claim legal professional privilege in relation to a number of documents. We set out below a list of the documents with a description

The list is as follows:

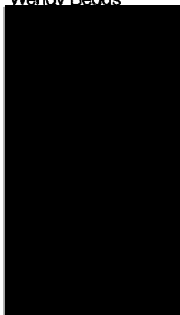
- 021-001-002
Document prepared by Mrs T Brown, Risk Management Co-ordinator, Altnagelvin Area Hospital, during the gathering of witness statements for the purposes of the inquest into the death of Raychel Ferguson.
- 021-001-003 and 021-001-004
Document prepared by Mrs T Brown being a note of a conversation with the Directorate of Legal Services relating to legal principles applicable during the hearing of an Inquest and recounting the advice of Junior Counsel.
- 021-001-005, 021-001-006 and 021-001-007
Fax cover sheet, transmission sheet and fax number telephone details of CSA relating to a fax sent by Mrs T Brown to CSA on 26th March, 2002.
- 021-001-008
Note by Mrs T Brown recording certain directions of Junior Counsel.
- 021-001-009
Note by Mrs T Brown following consultation with Junior Counsel.
- 021-001-010
Note to file made by Mrs T Brown relating to preparations for the Inquest.

/021-001-011

Director
Alphy Maginness

Assistant Directors
Donna Scott

Solicitors
Wendy Beags



INVESTOR IN PEOPLE



Supporting the Health & Personal
Social Services in Northern Ireland

- 021-001-011
Note to file made by Mrs T Brown relating to preparations for the Inquest recording details of consultations held with Junior Counsel.
- 021-001-012
Note to file written by Mrs T Brown relating to the address and phone number of a witness.
- 021-015-033.
Note by Mrs T Brown giving details of the Mrs Ferguson's mobile phone number.
- 021-058-139
Letter written by Dr Jeremy Johnston to Mrs T Brown in the exercise of her function of the gathering of witness statements for the purposes of the Inquest.
- 021-059-142
Fax from Mr T Brown to Solicitor in CSA re Inquest statements.
- 021-059-144
Document prepared by Mr Zafar for Mrs T Brown in the exercise of her function of the management of the gathering of witness statements for the purposes of the Inquest setting out his fax number.
- 021-071-167
Document prepared by Mrs T Brown including details of the transmission of the medical notes and records to Mrs Donna Scott, Assistant Director of the Directorate of Legal Services of CSA.
- 022-001-001
Fax cover Note from Mrs Donna Scott, Assistant Director of the Directorate of Legal Services of CSA to Mrs T Brown dated 5th March, 2003 relating to Inquest.
- 022-004-009
Fax correspondence from A Duffy, Senior Legal Assistant in Legal Directorate of CSA to Mrs T Brown dated 30th January, 2003.
- 022-004-012
Fax correspondence from A Duffy, Senior Legal Assistant in Legal Directorate of CSA to Mrs T Brown dated 29th January, 2003.

/022-004-013

- 022-004-013 and 022-004-014
Medico-Legal Report prepared by Dr Jenkins, FRCP, retained by CSA on behalf of the Trust, dated 27th January, 2003.
- 022-005-015 and 022-005-016
Correspondence dated 24th January, 2003 from Mrs T Brown to various members of staff at Altnagelvin Area Hospital re consultations with Junior Counsel prior to the Inquest.
- 022-005-017.
Letter from Mrs Donna Scott to Mrs T Brown dated 20th January, 2003.
- 022-006-018 to 022-006-024
Draft Medico-Legal Report prepared by Dr Declan Warde, Consultant Paediatric Anaesthetist, retained by the CSA on behalf of the Trust, dated January, 2003.
- 022-006-025
Fax from Mrs Donna Scott to Mrs T Brown dated 21st January, 2003.
- 022-006-026
Letter from Mrs Donna Scott to Mrs T Brown, dated 20th January, 2003.
- 022-006-027 to 022-006-033
Draft Medico-Legal Report prepared by Dr Declan Warde, Consultant Paediatric Anaesthetist, retained by the CSA on behalf of the Trust, dated January, 2003.
- 022-007-034
Fax from Mrs Donna Scott to Mrs T Brown dated 10th January, 2003.
- 022-008-036 and 022-008-037
E mail from Mrs Donna Scott to Mrs T Brown, dated 18th December, 2002 forwarding E mail for Junior Counsel to Donna Scott dated 18th December, 2002.
- 022-009-038
E mail from Mrs Donna Scott to Mrs T Brown, dated 18th December, 2002 forwarding E mail for Junior Counsel to Donna Scott dated 18th December, 2002.
- 022-010-039
Letter from Mrs Donna Scott to Mrs T Brown, dated 3rd December, 2002.

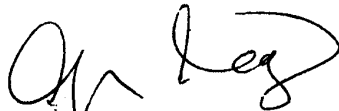
/022-010-040

- 022-010-040 and 022-010-041
Medico-Legal Report prepared by Dr Jenkins, FRCP, retained by CSA on behalf of the Trust, dated 12th November, 2002.
- 022-025-066 and 022-025-067
Document prepared by Mrs T Brown dated 10th April, 2002 setting out legal issues relevant to Inquest hearing.
- 022-037-098
Letter from Mrs T Brown to M C Carey, Solicitor on the Directorate of Legal Services dated 11th March, 2002.
- 022-043-105 to 022-043-109
Copy of Dr Sumner's Report dated Feb, 2002, containing hand written notes made by Mrs T Brown following legal advice obtained via telecommunications with solicitor in CSA.
- 022-058-156 and 022-058-157
Letter from Dr N D Clements, LLB, MB, ChB, DRCOG, of the Medical Protection Society to Mr Gilliland, FRCS, dated 17th January, 2002.
- 022-059-158
Letter from Mrs T Brown to Dr J Johnston re gathering of statements for the Inquest dated 31st December, 2001.
- 022-060-159.
Letter from Mrs T Brown to Mr Gilliland re gathering of statements for the Inquest dated 31st December, 2001.
- 022-061-160
Letter from Mrs T Brown to Mrs Donna Scott re gathering of statements for the Inquest dated 31st December, 2001.
- 022-062-161
Letter from Mrs T Brown to Mrs Donna Scott re gathering of statements for the Inquest dated 21st December, 2001.
- 022-063-162
Letter from Mrs T Brown to Dr Gund re gathering of statements for the Inquest dated 19th December, 2001.

/022-101-314

- 022-101-314 to 022-101-316
Draft statement prepared by Staff Nurse Ann Noble with green "post its" stuck in the margins containing handwritten notes. Privilege is claimed only in respect of the handwritten notes contained in the "post its"
- 022-105-321 to 022-105-331
Record of sequence of events prepared by Junior Counsel for hearing of Inquest.

Yours faithfully



A MAGINNESS
Director of Legal Services

Direct Line - [REDACTED]
Fax Number - [REDACTED]
E-Mail Address - dls [REDACTED]

Am774bk