



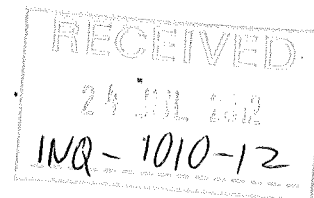
**Business Services
Organisation**

Directorate of Legal Services

**PRACTITIONERS IN LAW TO THE
HEALTH & SOCIAL CARE SECTOR**

**2 Franklin Street, Belfast, BT2 8DQ
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**Mr John O'Hara QC
Chairman of the Inquiry into Hyponatraemia-related Deaths
Arthur House
41 Arthur Street
BELFAST
BT1 4GB**



**Date:
24th July 2012**

Our Ref:

**Your Ref:
JOH-0253-12**

Dear Mr O'Hara

Thank you for your letter of 17th Instant and for your acknowledgement of Owen Nicholson's assistance to the Inquiry team.

Schedule of Brangam Bagnall files

I refer to the list of twenty files, set out in your schedule of Brangam Bagnall documents. I would be very willing to meet with you to discuss issues in relation to the disclosure of these files to the Inquiry.

I can advise you that I have looked at some of these files and my preliminary view is that the issue of legal professional privilege does arise. It will be necessary for my client the Belfast Trust to consider these files and any legal advice in relation to same, before it is in a position to make a decision on disclosure. In this regard, I should advise you that Senior Counsel is currently out of the jurisdiction and, I understand, will not be available until week commencing 30 July.

Providing Support to Health and Social Care



Given the sensitivity and importance of this issue, I will be seeking Senior Counsel's Opinion for the benefit of the Trust before a decision on disclosure can be made. I trust you appreciate that position.

Solicitor files relating to Adam

With respect to the Medical Negligence and Inquest files relating to Adam, I can confirm to you that you have received copies of the Inquest files (x 2); your colleagues inspected the originals. You will also be aware from the inspection of the files at Mallusk that no Medical Negligence files with respect to Adam can be found.

Solicitor files relating to Claire

I am instructed that there was no medical negligence case with respect to Claire. There is an Inquest file from Brangam Bagnall.

Our Ms Angela Crawford advised the Inquiry's Senior Counsel on 19th June 2012 at the time of inspection in our offices of the original Inquest files relating to Adam Strain, that DLS holds the Inquest file relating to Claire. This file had been transferred to us from MSC Daly Solicitors.

Solicitor files relating to Lucy

With respect to the case of Lucy, I understand that Lucy's parents are not participating in the Inquiry. Given that situation, can you confirm whether her parents have consented to the release of files that will have information pertaining to them. I can confirm that this Directorate did act for the Sperrin Lakeland Health and Social Services Trust (as it was at that time) in relation to the Inquest and the Medical Negligence claim. There is also a Brangam Bagnall Inquest file relating to Lucy which was transferred to DLS by MSC Daly in January 2009.

Solicitor files relating to Raychel

Your understanding with respect to the case of Raychel is correct.

However, I should point out there is also an MSC Daly medical negligence file in relation to Raychel relating to a claim against Belfast Trust that was transferred to DLS by MSC Daly in January 2009. No proceedings were ever issued against the Belfast Trust. There is a Brangam Bagnall Inquest file in relation to Raychel which was also transferred to DLS by MSC Daly in January 2009. Finally, there is a DLS Inquest file relating to Raychel, as well as the ongoing medical negligence file relating to a claim against Western Health and Social Care Trust.

You will appreciate we must seek our clients' (i.e. Belfast and Western Trusts) instructions in relation to disclosure of all files referred to in this correspondence. I have discussed this matter with our clients and they, quite properly, require advices from Senior Counsel particularly in relation to legal professional privilege before they can confirm their instructions. Unfortunately, I cannot at this stage provide you with a definite date by which I can confirm my clients' position with respect to all these files. Might I suggest we concentrate on the general advice files and files relating to Claire in the first instance. I await your confirmation of the position with respect to Lucy's parents, in relation to her files.

I can also confirm to you that only one other file was removed to our offices at the time of the initial search in Mallusk on 7th and 8th June 2012. That is a file entitled "Risk Management-Away Day: Royal Group of Hospitals Trust Miscellaneous". No files were removed in the period between that initial search and the inspection carried out by Inquiry staff on the 10th and 11th July 2012.

As stated above, I would be very willing to meet you to discuss these issues at your earliest convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alphy Maginness', with a stylized, cursive script.

ALPHY MAGINNESS

Chief Legal Adviser

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