

21.10.05

Sub/566/2005

From: Philip Maguire

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To:

1. Andrew McCormick *This takes us into some complex issues – I would be grateful if we could discuss briefly tomorrow morning. AGMcC 24 /10*
2. Minister - Woodward

21 October 2005

INTERVIEW BID FOR MINISTER FOR UTV INSIGHT PROGRAMME

Issue:

Trevor Birney, UTV Insight documentary programme would like to interview you on issues surrounding the Hyponatraemia Inquiry being led by John O'Hara. The broad issues which they would like to raise with you are summarised below. Trevor has explained that any questioning would not interfere with legal constraints arising from the police investigation and the Inquiry itself. Angela Smith last year responded to a request, on camera, by Trevor on issues relating to the Inquiry. The issues she covered are summarised below.

Timescale:

Urgent

Political Advisor's

To follow

Comments:

FOI

This submission is fully disclosable

Presentational issues: The Hyponatraemia Inquiry has attracted considerable media interest. Insight is UTV's flagship documentary programme.

Recommendation: That you note a recommendation from Secretary, senior Departmental officials on whether you should agree to this interview.

Summary

1. In late 2004, Trevor Birney asked for and got, on camera, an interview with the then Minister for Health, Angela Smith on the following subject areas:

- a. Robustness of the Inquiry
- b. Article 2 Human Rights obligations
- c. Adequate handling of the Inquiry
- d. Involvement of families in the setting up of the Inquiry
- e. Position of the Department re the Inquiry
- f. Role of the Department's Permanent Secretary in drawing up the Terms of Reference
- g. Independence of the Inquiry.

—This live interview was included on the Issue programme. UTV has used interviews on the Issue programme as material for the Insight programme.

2. Trevor would now like to interview you for an Insight programme scheduled to be transmitted in November this year. The following is my understanding of the broad areas he would like to interview you on:

a. Management of the Sperrin Lakeland Trust

- How it is self-managed
- How it is managed by the Department.

b. Day to day management of the health service in Northern Ireland as a whole:

- How the Department manages the trusts – it's role, responsibility and accountability?

c. Responsibility of the Minister in setting up the Hyponatraemia Inquiry.

d. How appropriate/watertight is the legislation which set up the investigation.

- Trevor stated that concerns have been expressed about the repeal of the 1921 Act and its replacement by an Inquiries Act set up by legislation in 1972
- How did this legislation come about?
- Is it an infringement of Human Rights?
- Trevor referred to 'Liberty's' website and the future inquiry into Iraq.

e. Independence of the Inquiry

- How much Departmental control was there in setting up the Inquiry?
- After almost a year being up and running, how independent is the Inquiry or how much is it being controlled by the Department. How much does the Department control the purse strings and the direction of the Inquiry?

f. Performance of the Inquiry

- One year on, how well has the Inquiry performed?
- Has it met the needs of the families?
- Does it fulfil the vision of the then Health Minister Angela Smith?

g. Role of Shaun Woodward in Sperrin Lakeland Trust

- Are the actions being taken by you at Sperrin Lakeland being replicated at other Trusts?
- Is there an epidemic of mismanagement at Trusts, or is it confined to Sperrin Lakeland?
- If 'problems' are not confined to Sperrin Lakeland, then why is action not being taken in other Trusts?

3. I initially turned down the interview bid from Trevor Birney, based on legal advice I received in response to my interpretation of Trevor's initial discussion with DHSSPS Information Office. However, I phoned Trevor and invited him to clarify and expand for my understanding, the issues he would like to raise with you. Those issues are summarised above.

Philip Maguire

cc Secretary
Andrew Hamilton
Noel Kelly
Dean Sullivan
Phil Taylor
Claire McCarthy
Clare Baxter