

ΑΒΧΔΕΦΓΗ

H M SENIOR CORONER

SOUTH & EAST CUMBRIA

Ian Smith LL.B. LL.M.

Central Police Station, Market Street, Barrow-in-Furness, Cumbria LA14 2LE
Tel: 01229 848966 Fax: 01229 848953

Our Ref: IS/DP

14th January 2014

The Morecambe Bay Investigation
3rd Floor
Park Hotel
East Cliff
PRESTON
Lancashire PR1 3EA

Dear Sirs,

Re: Documents and evidence required by the Morecambe Bay Investigation

Thank you for your letter of 6th January, received by me on 10th January, approximately two hours before I was due to leave on a two week holiday.

This letter therefore will be dictated by me but not signed by me and I will be unable to do any work on your letter until I return.

Next may I say that I will cooperate with you fully but I need to have the legal position made clear.

You refer to "an independent investigation" but do not say the legal framework or your powers in carrying out the investigation and I need you to spell these out to me clearly.

As I hope you appreciate I am an Independent Judicial Officer - a Judge, and have already investigated a number of deaths and to an extent therefore your investigation will overlap with mine.

I do not regard myself as subject to a requirement by you to produce anything or give you any information under compulsion but I confirm that I am willing to cooperate with you.

You also need to know that my office consists of one job share secretary, 30 hours per week, and so I do not have the resources to spend hours in gathering evidence together, some of which may be already in the archives. I can draft in someone who assists me on specific tasks from time to time and I will ask him to assist. Would you please confirm if his fee will be met by you.

Most of the evidence that I have is in paper form and is not electronic.

Your deadline of 21 working days may not be possible to meet and I am not sure I understand your reference to all evidence being required by inference from members of my staff, including any staff member who has retired or left my "organisation".

You refer in the information you require to Inquests conducted on babies, including stillbirths between certain dates, but you do not refer to individual names, and to search for this information will take considerable time and also I must question your restriction of babies dying at Furness General Hospital, Westmorland General Hospital, Royal Lancaster Infirmary, etc because the obvious starting point for the enquiry being Joshua Titcombe, he of course died at Newcastle and so strictly would not be included in the information that you are asking for. That is one of the problems with the system that I have identified to DoH and the Chief Coroner.

The final paragraph of Annexe A refers to me giving you any other information that I think may be relevant to you in fulfilling your terms of reference but your terms of reference were not in fact enclosed with your letter.

I close by assuring you of my cooperation.

Yours faithfully,

Ian Smith
HM Senior Coroner

From: Roberts, Paul
Sent: 31 January 2014 10:28
To: McIntosh, Oonagh
Subject: FW: Morecambe Bay Investigation

Oonagh,

The email below is on behalf of the Coroner for South & East Cumbria. You will recall in his letter that he was seeking to recover the costs of resources required to collate the evidence. This is set out in the email below at around £800 at the end of today. I don't know how you want to play this one.

Regards,
Paul

Paul Roberts
Documents & Evidence Manager
Morecambe Bay Investigation
3rd Floor Park Hotel
East Cliff
Preston
PR 1 3EA

From: [REDACTED]
Sent: 31 January 2014 10:24
To: Roberts, Paul
Subject: Morecambe Bay Investigation

Dear Mr Roberts

The Coroner for South and East Cumbria has asked me to assist him in the collection and transmission of information about infant and maternal deaths associated with the University Hospitals of Morecambe Bay NHS Foundation Trust (UHMBT).

I attach a list of such deaths since 2004, which incorporates a list of the documentation that we have assembled. As you will see, not all the deaths occurred at UHMBT hospitals because some babies born at UHMBT hospitals were transferred elsewhere for specialist treatment. You did not request information about such deaths in your letter to the Coroner but they do appear to fall within the terms of reference of the Investigation. The deaths are listed in the chronological order in which they occurred.

It has taken a good deal of work to assemble the documentation. I first needed to check the Coroner's register of notified deaths within South and East Cumbria since 2004. I then needed to check all the relevant files and gather together the documentation to be sent to you. The documentation (most of which existed only in paper form) then needed to be put into a form in which it could be sent to you electronically and to be downloaded on to my lap top. I now, of course, need to email all the documents to you and I propose to do this later today.

Some of the documents that I shall be sending you were written on by the Coroner while he was preparing inquests. The annotations can be ignored for the purposes of the Investigation but if you wish to

reproduce any of the annotated documents or make them public, please let me know and I shall produce clean versions for you - time has not permitted me to do this before sending the documents to you.

As I read the Investigation's terms of reference, the Coroner is not obliged to send you the documentation, although he has been happy to do so in a spirit of co-operation. In the circumstances, however, the Coroner and I would be grateful if the Investigation could meet the costs incurred in assembling and transmitting the documentation, which are likely to be in the region of £800 up to the end of today.

Please stand by for a barrage of emails this afternoon!

Yours sincerely

THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

3rd Floor
Park Hotel
East Cliff Complex
Preston
PR1 3EA

T: 01772 536376
E: correspondence@mbinvestigation.org

Mr I Smith Esq
HM Senior Coroner, South & East Cumbria
Central Police Station
Market Street
Barrow-In-Furness
Cumbria
LA14 2LE

10 February 2014

Dear Mr Smith,

DOCUMENTS AND EVIDENCE REQUIRED BY THE MORECAMBE BAY INVESTIGATION

Your letter of 14 January and the subsequent e-mails from [REDACTED] of 31st January 2014 refer. I apologise for the delay in responding to your letter and providing answers to the questions you have asked. I understand that you are now in receipt of a copy of the Investigation's terms of reference.

I am sorry that the letter you received referred to "your organisation". The Investigation is fully aware of the role, responsibility and, crucially the independent status and limited resources of HM Coroner's office and I hope you will forgive me for attempting, albeit I now appreciate that my attempt was somewhat clumsy, to adapt a template letter the Investigation had, with its legal advisors, prepared to send to the majority of the, nearly 20, organisations it is seeking assistance from.

The Morecambe Bay Investigation is not a public inquiry and, as such, does not have any legal powers to obtain evidence or to compel witnesses. It was established by the Secretary of State for Health as an independent investigation as he considered this was the most expeditious method of establishing the facts and answering the questions the families had raised. It also provides those families with a less formal and inquisitorial environment to provide details of their personal, and often distressing, experiences.

As you may be aware, the Secretary of State for Health established an independent investigation to address the concerns raised about Jimmy Savile's role in health care. The Morecambe Bay Investigation is adopting a very similar approach to the Savile Investigation in that it is seeking to gain and retain the co-operation of a number of interested organisations and individuals to fully

Independent investigation into the management, delivery and outcomes of care provided by the Maternity and Neonatal services of University Hospitals of Morecambe Bay Trust from January 2004 – June 2013

address its terms of reference. NHS organisations and employees are obliged to assist such an investigation if it is established to consider concerns regarding patient safety.

The Investigation Chairman, Dr Bill Kirkup, recognises that a number of organisations and bodies, including HM Coroner, are specifically charged with carrying out entirely independent functions and that they are not obliged to co-operate with Investigations such as this one. However, he has asked me to thank you for the significant co-operation you have afforded the Investigation thus far. In recognition of the paucity of administrative resources available to you, arrangements are being made for [REDACTED] to be appropriately reimbursed for his time.

The Secretary of State for Health has asked Dr Kirkup to consider the complex problems in connection with the reporting of deaths which continue to this day despite the reform of the Coroners system, that you identified following the Inquest into the death of Eleanor Hope Louise Bennett that you wrote to him about on 2 October 2013. I understand that you have received a reply from the Department of Health and it has been explained to you that the important issues you raised following the conclusion of Eleanor's Inquest on 24 September 2013, will be addressed by the Investigation and included in the Report the Chairman will submit later in the year.

I hope this is helpful. Should you have any further queries please do not hesitate to contact me.

Yours sincerely,

OONAGH McINTOSH (Mrs)
SECRETARY TO THE INVESTIGATION

THE MORECAMBE BAY INVESTIGATION

Chaired by Dr Bill Kirkup CBE

CONFIDENTIAL

Mr Ian Smith
HM Coroner for South and East Cumbria
Central Police Station
Market Street
Barrow in Furness
Cumbria
LA14 2LE

3rd Floor
Park Hotel
East Cliff
Preston
Lancashire
PR1 3EA

25 September 2014

Dear Mr Smith,

THE MORECAMBE BAY INVESTIGATION – INQUEST INTO NITTAYA HENDRICKSON AND CHESTER HENDRICKSON

As you are aware the Morecambe Bay Investigation is due to Report to the Secretary of State for Health in November.

As part of its work, the Investigation Chairman, Dr Bill Kirkup, and his Panel of expert advisors are reviewing a number of individual cases including the care provided at the University Hospitals of Morecambe Bay NHS Foundation Trust to Nittaya and Chester Hendrickson. The Investigation is aware, from the material helpfully supplied to it by you, that you held an inquest into the deaths of Nittaya and Chester Hendrickson. Mr Hendrickson has asked a number of questions of the Investigation that the Chairman would like to answer as fully as possible. One question relates to the trace report that, according to Mr Hendrickson, was shown to him at his home, in advance of the inquest, [REDACTED] who was then the Coroner's Officer. As you know, the trace report was subsequently misplaced.

The Investigation is, at this stage, seeking to establish whether [REDACTED] gave evidence at the inquest, whether the trace evidence from Nittaya Hendrickson was introduced as evidence at the inquest or whether it was missing by the time the inquest took place.

Telephone: 01772 536376

Email: correspondence@mbinvestigation.org

Independent investigation into the management, delivery and outcomes of care provided by the Maternity and Neonatal services of University Hospitals of Morecambe Bay Trust from January 2004 – June 2013

As we have discussed previously in correspondence, HM Coroner for South and East Cumbria is not resourced to provide significant material to the Investigation but we hope that, on this occasion, you will be able to provide a response that will eliminate the need for the Investigation to commission a full transcript of the inquest.

Should you wish to discuss the contents of this letter please do not hesitate to contact me on [REDACTED]

I look forward to hearing from you.

Yours sincerely,

OONAGH McINTOSH
SECRETARY TO THE INVESTIGATION