

**CORONER'S INQUEST****PRELIMINARY MEETING FOR THE INQUEST TOUCHING  
THE DEATH OF GLADYS RICHARDS**

Held at:

The Coroner's Court  
Room 5  
The Guildhall  
Portsmouth  
Hampshire

**Before:**

**MR DAVID HORSLEY**  
Her Majesty's Coroner  
for Portsmouth and South East Hampshire

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**Thursday 12<sup>th</sup> May 2011**  
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MR J MEHIGAN appeared on behalf of the family ①  
MR J WHITE (solicitor) appeared for the family from Blake Laphorn  
MR M JENKINS appeared for Dr Jane Barton ②  
MRS D WATTS (solicitor) appeared for Portsmouth Hospital Trust ③  
MRS B WOODLAND appeared for Southern Healthcare NHS ④  
MR P MELLOR (company secretary) appeared for Portsmouth Hospital Trust  
MR C GREEN (from the RCN) appeared for Nurses Beed, Couchman and Joice ⑤  
MR S KNOWLES (solicitor) appeared for Portland Hospital and Dr I Reid ⑥

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Digital transcription by Diana Tapper MBIVR  
For the Coroner's Office in Portsmouth

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PRELIMINARY MEETING FOR THE INQUEST TOUCHING  
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7 THE CORONER: Thank you all for coming in today for this pre-inquest meeting. There  
8 are a lot of people here and I'm going to record the meeting so that I can do some (inaudible  
9 - bells ringing) after this. What I would like to do is get the names of everybody who is  
10 here, first of all, so the easiest way to do that is to go round the table starting with you.

11  
12 MR MEHIGAN: My name is Thomas Mehigan. I am counsel for Mrs McKenzie.

13  
14 MR WHITE: Good morning, my name is Mr White and I am the solicitor for Mrs  
15 Mackenzie.

16  
17 THE CORONER: Yes, and of course that is Mrs McKenzie next to you.

18  
19 MRS MCKENZIE: Yes.

20  
21 MRS O'BRIEN: Mrs O'Brien, Gladys's youngest daughter.

22  
23 MR O'BRIEN: Mr O'Brien, this lady's husband.

24  
25 MR JENKINS: Malcolm Jenkins, I am a barrister representing Dr Jane Barton.

26  
27 MR GREEN: Chris Green from the RCN and I am acting for Philip Beed, Margaret  
28 Couchman and Christine Joice.

29  
30 MS WATTS: I am Deborah Watts from Mills and Reeve representing Portsmouth Hospital  
31 Trust

32  
33 MS WOODLAND: I am Betty Woodland. I am here on behalf of Southern Healthcare  
34 NHS Foundation Trust today but I am also RCN staff support for the three nurses.

35  
36 MR MELLOR: Good morning, I am Peter Mellor, a company secretary at Portsmouth  
37 Hospitals Trust.

38  
39 MR KNOWLES: Good morning, sir, I am Stuart Knowles from Mills & Reeve for the  
40 Portland Hospital Trust and also Dr Ian Reid.

41  
42 THE CORONER: Right, thank you very much for that. Mr Knowles, you have one of my  
43 microphones in front of you there. It might be a good idea if you moved it along so that we  
44 can hear it on this side. I am just a bit concerned there is noise coming from outside and we  
45 will lose the voices inside especially if you speak quite quietly anyway.

46  
47

1 You probably all know that I am David Horsley and I am the Portsmouth and South East  
2 Hampshire coroner and my professional background is I am a solicitor. I think it would be  
3 useful if I explained why I wanted this meeting with you and I want to explain the rationale  
4 behind why I have opened an inquest into Mrs Richards' death and why I am investigating  
5 it. The reason is this; unlike my predecessor as coroner it is my standard practice to open an  
6 inquest into the death of anyone who has suffered a fall and has been admitted to hospital as  
7 a consequence who then dies in hospital without making a full recovery. For that reason,  
8 and looking at Mrs Richards' death from that viewpoint, I believe I have got reasonable  
9 grounds to suspect that Mrs Richards' death may not be due to entirely natural causes,  
10 because what we have here is a situation of an elderly lady who suffers a fall and breaks a  
11 hip, she is taken into hospital, her hip is repaired, she is discharged from the hospital into  
12 another hospital to convalesce and whilst she is there suffered another fall which results in  
13 damage to the original leg fracture. So she returns to the first hospital for that fracture to be  
14 repaired. After that happens she returns to the hospital to convalesce and subsequently dies  
15 without making a full recovery.

16  
17 The fact that I am looking at that may be important to me are the complications which arise  
18 from the fall and the surgery and one of those complications has been the administration of  
19 painkilling drugs to Mrs Richards and what I need to consider in reaching a verdict on how  
20 Mrs Richards has died is whether the administration of those painkilling drugs, along with a  
21 lot of other factors, has in any way contributed significantly to her death.

22  
23 Obviously I can't prejudge my verdict at the actual inquest but I want to make it clear at this  
24 stage that from the evidence before me at the moment it seems that there is no evidence  
25 which would meet the required standard of proof to say that Mrs Richards has been  
26 unlawfully killed. As I say, I cannot prejudge the evidence but the situation from reviewing  
27 the evidence so far is that I believe that to be the case.

28  
29 There may be issues of professional negligence in relation to Mrs Richards' death but that is  
30 not a matter for me to decide. Then maybe issues of neglect – Jamieson neglect – which are  
31 matters for me to consider and which I shall be looking at. Requests have been made to me  
32 to call witnesses from Hampshire police with a view to questioning them on standard of  
33 their investigation into Mrs Richards' death but I do not believe that to be appropriate, nor  
34 do I believe it to be appropriate to go over issues which, unless they are directly relevant to  
35 Mrs Richards' death, that were considered by the inquest in relation to Gosport War  
36 Memorial Hospital a year ago.

37  
38 On that basis I have put together the witness list that I circulated to you and provided you  
39 with copies of statements that I have in relation to some but not all of those witnesses. I just  
40 wanted to make that clear at the outset and to say what I believe the parameters to be.  
41 Obviously I am going to be open to any representations that you make to me on those points  
42 in that regard.

43  
44 Mr Mehigan, I believe you represent Mrs McKenzie and I imagine that you perhaps want to  
45 say something to me in relation to what I have just said.

46  
47 MR MEHIGAN: Definitely. We do think that there is evidence that would demonstrate  
48 the standard of proof required for (inaudible) and we can understand that at the moment but  
49 we would urge you to keep as an option to be discussed at the end of the inquest (inaudible)  
50 as a possible verdict at this point.

1  
2 THE CORONER: From my point of view, Mr Mehigan, Mrs Richards' death is being  
3 investigated by the police on a number of occasions and most recently I have asked them to  
4 review the evidence in the light of the proceedings against one of the doctors last year.  
5 They have come back and told me that there are no grounds to support. My own  
6 examination of the evidence tends to support that view.  
7

8 MR MEHIGAN: The police decision ---  
9

10 THE CORONER: And in addition to that I have made it clear to those who instruct you  
11 that if they have any other evidence which the police have not considered, which they feel is  
12 germane to the investigation and which may make the police change their mind, it should  
13 bring it forward to the police directly and not to me, given the amount of time that has  
14 elapsed since Mrs Richards' death.  
15

16 MR MEHIGAN: Very simply, the decision that you would make (inaudible) on whether  
17 there had been unlawful killing by gross negligence (inaudible) proven beyond a reasonable  
18 doubt is a very different form of adjudication to what the police and the CPS will have to  
19 decide in whether they are going to proceed with a prosecution. They have a different test  
20 to apply. You are applying the final determinative test; they are applying one which  
21 involves questions of the use of justice and (inaudible) reasonable prospect of prosecution  
22 or just a (inaudible) conviction. Those two are not considerations that you need to consider.  
23 You just need to consider the evidence that is in front of you. So because the police have  
24 determined not to proceed, does not prejudice the possibility of you finding that there is in  
25 fact unlawful killing in the circumstances.  
26

27 THE CORONER: As I say, I am not prejudging my verdict but from all the evidence at  
28 this stage there would seem to be insufficient evidence to support such a conclusion, given  
29 the standard of proof required.  
30

31 MR MEHIGAN: Indeed, well, perhaps you will allow me to make submissions at the end  
32 of the evidence to assist you in considering whether that verdict should be left open.  
33

34 THE CORONER: Yes, I cannot prevent you from doing that. Does anyone else want to  
35 say anything on the point, if you have finished, Mr Mehigan?  
36

37 MR MEHIGAN: I have, yes.  
38

39 THE CORONER: Do you want to say something to me, Mr Knowles?  
40

41 MR KNOWLES: Yes, if I may. There are a number of outstanding submissions as I have  
42 if I could address them to you, sir, to assist me in taking this matter forward.  
43

44 THE CORONER: Yes.  
45

46 MR KNOWLES: I am assuming, as it was in the previous inquest, that (inaudible) don't  
47 apply and we are therefore limited to the narrow scope of the issues.  
48

49 THE CORONER: That is my understanding of things, yes.  
50

1 MR KNOWLES: I wonder if I could ask you to address something else just to assist me in  
2 preparation. It is often in a case like this that my client is responsible for the management  
3 of the relevant service now (although it wasn't responsible for the management of the  
4 relevant service at the time in question) you and your colleagues will often want assistance  
5 for reassurance that matters, if you like, have changed or that an action plan, whatever, and  
6 investigation has taken place. It seems in this particular case, and perhaps you could just  
7 confirm, that it would not be your intention irrespective of the outcome that a Rule 43 report  
8 would be appropriate so that I do not have to spend public money in addressing that  
9 particular issue, as with the passage of time I do not think it would be of any value  
10 whatsoever.

11  
12 THE CORONER: I am afraid that I am not going to prejudge that issue at this stage either  
13 because that will depend on the view that I read at the conclusion of the evidence. If you  
14 are going to produce to the evidence about changes that have been made to procedures since  
15 Mrs Richards' death ---

16  
17 MR KNOWLES: With respect, they were produced to your assistant deputy who sat on  
18 the --- and the difficulty here is that would involve the NHS in considerable expenditure in  
19 producing that evidence when, to be honest, after 14 years and four reorganisations which is  
20 not the responsibility of my client, the management of the organisation ---

21  
22 THE CORONER: It has been produced previously?

23  
24 MR KNOWLES: Some has been produced previously. I understand the point but ---

25  
26 THE CORONER: I can't say at this stage that if I haven't heard any evidence at the  
27 inquest after my verdict that I am going to issue a Rule 43 report. I don't think I can say  
28 that. If I am minded to, it is not the sort of things that I need to deal with on the day, so to  
29 speak. If I am minded to issue a Rule 43 report I can set out the parameters and adjourned  
30 consideration of that, so that that evidence can be produced if necessary. It is not something  
31 that has to be done on the day of the verdict. Do you follow what I am saying?

32  
33 MR KNOWLES: I do follow, yes, and that is helpful because I do not want to incur public  
34 money if I don't need to.

35  
36 THE CORONER: No, no.

37  
38 MR KNOWLES: Especially after 14 years. I believe there would be limited value in that  
39 and I hear what you say.

40  
41 THE CORONER: Yes, and without prejudging anything I am sure that it is an issue I will  
42 be hearing submissions on at the end of the inquest in any event. It would seem likely in the  
43 light of that people making submissions as to whether I should consider a Rule 43 report  
44 would want to take some time thinking about the issues after the verdict. Mr Mehigan,  
45 coming back to you on the issue of the witness list, I know this will touch on what you said  
46 to me earlier, I have put together a list of people who I think will be appropriate to assist me  
47 with what I have to deal with at the inquest.

48  
49 MR MEHIGAN: (Inaudible).

50

1 THE CORONER: I'm sorry, I didn't hear that.  
2  
3 MR MEHIGAN: I think (inaudible) the two daughters.  
4  
5 THE CORONER: Dr Barton, Dr Gould, Mr Bead, Ms Couchman, Ms Joice, Dr Reid,  
6 Professor Black, Mrs McKenzie and Mr O'Brien.  
7  
8 MR MEHIGAN: Yes, yes, sir, that would be a total of eight witnesses.  
9  
10 THE CORONER: Yes. You are happy with that, are you?  
11  
12 MR MEHIGAN: Yes.  
13  
14 THE CORONER: Could I take the views formally of everyone else on that. Mrs  
15 McKenzie, that view has been put forward by your barrister.  
16  
17 MRS McKENZIE: I'm sorry, I'm so deaf I can't hear what you are saying, sir.  
18  
19 THE CORONER: I'm sorry, Mrs McKenzie, I didn't appreciate you were so deaf.  
20  
21 MRS McKENZIE: I'm here records I was hoping that people would speak up very loudly.  
22 I just cannot pick up anything but I am hoping that --- well, I am sure my solicitor will tell  
23 me.  
24  
25 THE CORONER: That's what they are here to do today. They represent you.  
26  
27 MRS McKENZIE: But I am not picking up what you are saying.  
28  
29 THE CORONER: Mrs McKenzie, you will have to forgive me a little bit because I am  
30 suffering from hay fever and it is going to make it rather difficult to me speak any louder  
31 than I am at the moment.  
32  
33 MRS McKENZIE: No, it's my problem but I hope when inquest comes if it is at all  
34 possible to ---  
35  
36 THE CORONER: Do you have a hearing aid?  
37  
38 MRS McKENZIE: Well, I have difficulty because I also have problems with my eyes and  
39 I have to have two pairs of glasses and hearing aid keeps coming off, so they are now ---  
40 they can give me a time when (inaudible) and I don't have this awful bubble which keeps  
41 getting knocked out each time I have to change my glasses. That was (inaudible - bells)  
42 two pairs of glasses so I have to keep chopping and changing them, which I hope won't be  
43 for too much longer.  
44  
45 THE CORONER: If you have got a hearing problem I will try and get a court room that  
46 has one of the loop systems ---  
47  
48 MRS McKENZIE: That would be terrific.  
49  
50 THE CORONER: Now that you tell me ----

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MRS McKENZIE: I had one at the GMC and it was wonderful.

THE CORONER: I think there are facilities over the Crown Court.

MRS McKENZIE: You can put these things in your ears and you can hear what's going on.

THE CORONER: I don't know how they work I am told have got some there.

MRS McKENZIE: Well, that's what they had at the GMC for me and it worked really well. I am sorry to cause such a fuss.

THE CORONER: No, that's all right but you'll have to forgive me a little bit because it is difficult for me to talk loudly at the moment with my hay fever.

MRS McKENZIE: No, I quite understand. I think barristers should go on courses at RADA to learn how to project their voices and (inaudible).

THE CORONER: I think RADA don't teach you how to deal with hay fever unfortunately. Moving on to you, Mrs O'Brien, do you think the witness list is appropriate and, if not, is there anyone else that you would like to see added on?

MRS O'BRIEN: No, but I wear two and I can hear you.

THE CORONER: I can tell from the expression on your face that you were understanding me.

MRS O'BRIEN: I might miss the odd word but I can ask my husband.

MR KNOWLES: Sir, I have no submissions on the witness list. It seems fine to me.

THE CORONER: Good.

MR MELLOR: I am happy with it also, sir.

THE CORONER: Is everybody who is represented been included there because it is a little bit confusing because there are so many of you. So we are all happy with the witness list.

MR GREEN: The (inaudible) last three statements from the nurses.

THE CORONER: The problem is that at the moment I am having difficulty locating Mr Beed because he has moved from his last address that we had for him. I do have a number of statements taken by the police but they do run to dozens and dozens and dozens of pages. I know that Mrs McKenzie gave a statement to the police and I circulated that. If there is going to be any delay in getting a statement from him, a fresh statement, I will circulate those police statements.

MR ?: Sir, I can certainly assist with contacting Mr Beed.

1  
2 THE CORONER: (Inaudible) before that because we have had difficulty contacting him.

3  
4 MR ? : I could ask my instructing solicitor to contact you about his current address and  
5 that won't be a difficulty.

6  
7 THE CORONER: That is very helpful, thank you.

8  
9 MR ? : I would ask, before statements are taken from the nurses, if they could have sight  
10 of the nursing notes, because it is a very long time ago that these events occurred and they  
11 will need to refresh their memories.

12  
13 THE CORONER: Yes, we will see if we can arrange that. It might be done by my  
14 coroner's officers in liaison with you or your instructing solicitors. So we are all agreed on  
15 the witness list and we will do our best to get the statement as quickly as we can. As I say,  
16 failing that I will circulate the police statement but I thought it would be easier in many  
17 ways to get a fresh statement rather than having to wade through a large amount of paper in  
18 relation to the police interviews. So we are all agreed on the witness list. I have now got to  
19 start thinking about suitable dates for a hearing. Given the witness list and we have got it  
20 would seem to me to be appropriate to perhaps allow up to two weeks for this inquest.

21  
22 MR ? (IRISH): I had imagined it would be shorter than that.

23  
24 THE CORONER: It may well be but I always like to err on the side of caution because we  
25 find that these things expand if there is available time. Obviously I do not want to leave any  
26 germane issue improperly explored. So I think for safety I will allow two weeks. I hear  
27 what you say, we may be through it within a week but we may not.

28  
29 MR ? : (Inaudible) I have to say that I had experience of an inquest (inaudible – rustling of  
30 papers) and I appreciate that there are --- I haven't seen the witness statements (inaudible)  
31 but even a week seems a long time.

32  
33 THE CORONER: As I say, it may be just the week but from my own point of view and  
34 for my own purposes as a Coroner in scheduling the case load, I am going to earmark two  
35 weeks of this case. We may well have to adjourn it, I don't know. Do you think it is  
36 appropriate for two weeks?

37  
38 MR ? (IRISH): Yes. One of the concerns we were having was whether there would be a  
39 jewellery or not.

40  
41 THE CORONER: I don't propose to call the jury in relation to this inquest simply because  
42 I don't feel that it fulfils the criteria under section 8 of the Coroner's Act. I don't have  
43 juries in this situation that I alluded to at the beginning which I felt was my rationale for  
44 calling the inquest unless you want to say something to me with regard to the need for a jury  
45 at this inquest.

46  
47 MR ? (IRISH): It just struck me that this may fall into 8(3)(d) but (inaudible).

48  
49



1 THE CORONER: I consider that point but the issues of 8(3)(d) I think were (inaudible)  
2 on the previous inquests on the principles involved there. From my own point of view, I  
3 don't think it would be in the public interest to have a jury in this case. I think it would be  
4 quite legitimate for me to determine this inquest on my own.

5  
6 MR ? (IRISH): Indeed.

7  
8 THE CORONER: Does anyone else want to say anything on the point, on the need for a  
9 jury? I take it as there is no answer the fact that you are in agreement my view on this.

10  
11 MR ?: Yes.

12  
13 MRS O'BRIEN: Can I say, Mr Horsley, you did mention that you opened an inquest and  
14 closed an inquest on my mother ----

15  
16 THE CORONER: No, I haven't closed the inquest.

17  
18 MRS O'BRIEN: I'm sorry.

19  
20 THE CORONER: No, I opened the inquest.

21  
22 MRS O'BRIEN: Right, when did you do that? I'm sorry, I don't know that.

23  
24 THE CORONER: That's why we are here today and I explained at the time your mother  
25 died my predecessor did not investigate her death. He accepted the cause of death that was  
26 given by the certifying doctor that your mother had died from bronchial pneumonia which  
27 appeared to be the facts him at the time. The fact that I have opened an inquest is because  
28 in any case where I become aware that someone has had a fall, has gone into hospital and  
29 died, I have to open an inquest. I can do this whether they died last week or whether it  
30 comes to my attention that somebody ten or 15 years ago has died in that situation. Having  
31 the evidence before me to suggest that that is the case, I believe that I have reasonable  
32 grounds to hold an inquest into your mother's death, albeit, it occurred all those years ago  
33 and in fairness to you and your sister I wanted to hold that inquest because I would do it for  
34 anybody else whose family member died in those circumstances.

35  
36 MRS O'BRIEN: Yes.

37  
38 THE CORONER: And that's why we are here today. Do you follow what I mean?

39  
40 MRS O'BRIEN: Yes, I follow what you mean.

41  
42 MR KNOWLES(?): Does that answer the question that was asked, when did you open  
43 inquest?

44  
45 THE CORONER: I will have to look it up again. Can somebody assist me, because  
46 otherwise I'm going to have to go through --- no, it was March 2009.

47  
48 MRS O'BRIEN: When was it?

49  
50 THE CORONER: March 2009.

1  
2 MRS O'BRIEN: Would we not have been informed of that?

3  
4 THE CORONER: Your sister was at the time.

5  
6 MRS O'BRIEN: I beg your pardon.

7  
8 THE CORONER: You were aware of it, weren't you, Mrs McKenzie?

9  
10 MRS McKENZIE: Yes, because you wrote to me, but I understood it was on the same  
11 date as the other is that were opened which was 18<sup>th</sup> March and that it was opened and  
12 immediately adjourned.

13  
14 THE CORONER: Yes, I opened it and adjourned it because that's what we do as  
15 coroners.

16  
17 MRS McKENZIE: But not in July. I understood it was the same date as the others.  
18 Perhaps you didn't put the date in ---

19  
20 THE CORONER: No, I didn't because I opened at a time when all the other inquests had  
21 preceded quite a long way down the road.

22  
23 MRS McKENZIE: Yes, but why in July Mr Straw had agreed to having an inquest in  
24 January 2009? You had the letters --- Mr (Inaudible) you had letters from Bindmans (?)  
25 Saying that they thought this was the case of ----

26  
27 THE CORONER: Mrs McKenzie, I wonder whether --- is this an issue you have gone  
28 through with your counsel, because you're represented here today and they are supposed to  
29 be speaking for you?

30  
31 MRS McKENZIE: I've only just met counsel.

32  
33 MR MEHIGAN: I think we can deal with that later, Mrs McKenzie, after the hearing.

34  
35 THE CORONER: Do you want an adjournment or something?

36  
37 MR MEHIGAN: No, I think we understand what is happening.

38  
39 THE CORONER: As Mr White will tell you, Mrs McKenzie, I have been dealing with Mr  
40 White since then and as far as I was concerned he was happy with the procedure that I was  
41 adopting for dealing with your mother's inquest.

42  
43 MRS McKENZIE: Well, all I can say is that it started off in July 2008 when I went to  
44 Bindmans (?) and --- my solicitor says I don't need to deal with it.

45  
46 THE CORONER: Let's deal with things as they are now but I am holding an inquest and  
47 we are discussing the issues I need to sort out before we have a hearing date. That's what  
48 we are here to do today we are having an inquest now and it is proceeding.

49  
50 MRS McKENZIE: I don't want to be difficult.

1  
2 THE CORONER: No, it is all right. Don't worry about that but I just want to make sure  
3 that you understand what is going on, that you and your sister turn know what is going on.  
4  
5 MRS McKENZIE: Yes.  
6  
7 THE CORONER: You are in a room full of lawyers other people and I appreciate that it is  
8 difficult.  
9  
10 MRS McKENZIE: Yes, and I am sorry to cause difficulties.  
11  
12 THE CORONER: I am hoping that we could hold this inquest, given the amount of time  
13 that has elapsed so far, by the end of the summer. I know my inquest list is pretty full until  
14 then so I was hoping for early September. Does that cause any immediate problems for  
15 anybody here?  
16  
17 MRS McKENZIE: Only me.  
18  
19 THE CORONER: Why?  
20  
21 MRS McKENZIE (?): I am away for the month of September and at the end of September  
22 I have a very big family wedding, the last week of September. October is fine, August is  
23 fine, but for September please don't make the change all that.  
24  
25 THE CORONER: August would not be so good for me but would October suit everybody  
26 else?  
27  
28 MR KNOWLES (?): Except for the first week.  
29  
30 THE CORONER: How about starting the second week in October?  
31  
32 MR KNOWLES: That sounds good.  
33  
34 MR JENKINS: I am going to ask you to put it back to the end of October for me.  
35  
36 THE CORONER: Why?  
37  
38 MR JENKINS: For me and I know that Dr Barton has some commitments as well.  
39  
40 MRS McKENZIE: I'm so sorry.  
41  
42 THE CORONER: You are going abroad, you Mrs McKenzie?  
43  
44 MRS McKENZIE: I am, I am and I can't miss the big family wedding.  
45  
46 THE CORONER: No, because I am anxious, and a long time has elapsed Mrs Richards'  
47 death, to get it finished this year.  
48  
49 MRS McKENZIE: As we all do.  
50

1 THE CORONER: So how about the end --- when you say the end of October, when do  
2 you mean?

3  
4 MR JENKINS: The 24<sup>th</sup> which is a Monday.

5  
6 THE CORONER: So if I were to start it on Tuesday the 25<sup>th</sup>, because I always begin  
7 inquests on Tuesdays, because Monday is a very difficult day and I don't like to have to  
8 start an inquest on a Monday, would that suit everybody? If I were to earmark told that  
9 week and pencil in the next week just in case does that suit everyone?

10  
11 MR ?: Yes.

12  
13 THE CORONER: Right. We have dealt with the witness list, we have dealt with the issue  
14 of the outstanding statements, is there anything else that anybody wants to raise with me  
15 starting with you, Mr Mehigan?

16  
17 MR MEHIGAN: We wanted to talk to you about asking you to support our application  
18 for public funding because my understanding of it at the moment is that those instructing  
19 me are neutral on the question of whether we can be publicly funded or not. We are both  
20 here *pro bono* and a two week inquest (inaudible) doing *pro bono* and my solicitor says that  
21 it will be of great benefit to the court to have representing Mrs McKenzie to assist her in  
22 presenting her case for reasons that are probably understandable.

23  
24 THE CORONER: I tell you what, Mr Mehigan, I would rather you make written  
25 submissions to me on that matter rather than dealing with it here. So if you want to put  
26 views in writing to me I will reconsider the question.

27  
28 MR MEHIGAN: I am grateful.

29  
30 THE CORONER: Is there anything else?

31  
32 MR ?: The only issue, sir, if I may, is other documentation. I am aware from the previous  
33 hearing (inaudible) that I think they were and probably still are in the possession of the  
34 police.

35  
36 THE CORONER: I have got them.

37  
38 MR ?: Excellent. I know that the (inaudible) prescription charts and controlled drug  
39 register, the medical cause of death certificate and various other (inaudible), is it your  
40 intention to make a copy of those available?

41  
42 THE CORONER: Mr Meagen, you have got a copy, haven't you?

43  
44 MR MEHIGAN: We have a copy of the medical records ----

45  
46 THE CORONER: The medical records.

47  
48 MR MEHIGAN: But not the ward controlled drug book and the (inaudible - bells). There  
49 are a few outstanding documents that we were looking for.

50

1 THE CORONER: Okay, all right. You kick off on that then.

2  
3 MR MEHIGAN: Let's start with whether you intend to bring a statement from General  
4 Nurse Brewer (inaudible)?

5  
6 THE CORONER: I wasn't intending to. Why should I?

7  
8 MR MEHIGAN: Well, because Nurse Brewer is also ---

9  
10 THE CORONER: I thought we had agreed the witness list.

11  
12 MR MEHIGAN: If there is a statement already produced then that would be useful to the  
13 inquest because there are discrepancies in some of the signatures in the medical records  
14 because Nurse Beed and Nurse Brewer signed with Bs, for example, and one B is  
15 substantially different to the other. At the GMC it was argued that they were the same thing  
16 but we had a statement from Nurse Brewer that gave us to understand what (inaudible).

17  
18 MR GREEN (?): Sir, my instructions are, and this may assist you, that Ms Brewer is in  
19 very poor health and might not be in a position to make a statement.

20  
21 THE CORONER: I am just wondering how those matters you have just raised with me, is  
22 the Mehigan, will assist me what I have to do at the inquest.

23  
24 MR MEHIGAN: The way I see it is that they would assist you in understanding how  
25 prescribing had taken place and who was prescribing where and who knew what about the  
26 prescriptions and the management of the drugs because that is obviously one of the crucial  
27 issues that indeed you mentioned in your opening.

28  
29 THE CORONER: As I said in my opening, the issue that I am concerned with is the role  
30 of the administration of painkilling drugs might have made in terms of significance to Mrs  
31 Richards' death.

32  
33 MR MEHIGAN: Yes.

34  
35 THE CORONER: The issue of who administered them and when --- why is this going to  
36 help me? I don't quite understand the point you're making.

37  
38 MR MEHIGAN: If you don't know who administered them then you can't understand  
39 what role any individual person has in (inaudible) and you don't know when they are --- if  
40 there is a systemic failure ---

41  
42 THE CORONER: It is the fact of admission that I am interested in more than ---

43  
44 MR MEHIGAN: The administration?

45  
46 THE CORONER: Yes, the fact of the administration rather than who administered them,  
47 because as regards a systemic failure this is not an Article 2 inquest.

48  
49 MR MEHIGAN: No, it can't be.  
50

1 THE CORONER: No.

2  
3 MR MEHIGAN: If there was a statement from Ms Brewer available we would be grateful  
4 for it.

5  
6 THE CORONER: No, I am not going to use the evidence of Ms Brewer given the fact that  
7 this lady is in bad health which was the point I was aware of but thanks for reminding me of  
8 it today. I think we can get to where I need to be at least with the witnesses we have got.  
9 Yes, go on.

10  
11 MR MEHIGAN: There were statements made by Haslar staff once the police began  
12 investigating the case which were taken in Germany of at least three nurses. Please have  
13 them but we have never been able to see them. We think that the GMC had them for the  
14 purpose of their investigation. It seems from what we can glean from the GMC report that  
15 they were describing Mrs Richards as being in exceptionally good health in the last few  
16 days before the prescribing started and we think that would be helpful to us and helpful to  
17 you to explain how the administration of painkilling drugs impacted on her in the course of  
18 her care and in potentially speeding up her death. So if the police have them we think  
19 would be useful to the inquest to see them.

20  
21 THE CORONER: I am afraid I'm not with you on that. I still don't understand why that  
22 is relevant to what I have to deal with in this inquest.

23  
24 MR MEHIGAN: Because you are concerned with the administration of painkilling drugs  
25 and how they have created a causative (inaudible) that brought about Mrs Richards' death,  
26 then evidence of her condition demonstrates that she was very healthy right up until very  
27 close to the end of her life. It assist you in understanding the potential impact that the  
28 administration of those drugs had in the causative process.

29  
30 THE CORONER: Does anyone else want to say anything to me on that point?

31  
32 MR ?: I have not heard in any event of any statements being taken from RCN members  
33 and beyond that I cannot assist.

34  
35 THE CORONER: Who were you thinking of?

36  
37 MR MEHIGAN: I think they were RCN members.

38  
39 THE CORONER: What are their names? I am not aware of any. Are these people who  
40 were out of the country?

41  
42 MR MEHIGAN: They were out of the country at that time they were spoken to by DCI  
43 Burton (?) who ran the original police investigation before he was moved on from it.

44  
45 THE CORONER: No, I am not going to pursue that.

46  
47 MR MEHIGAN: The ward controlled drug we consider to be factual evidence of crucial  
48 importance and it is ----

49  
50 THE CORONER: Because it will show what and when was administered?

1  
2 MR MEHIGAN: Yes.

3  
4 THE CORONER: I think that should be here for the inquest.

5  
6 MR MEHIGAN: Professor Livesey and Professor Baker both produced reports on Mrs  
7 Richards' death and we have not been able to see those.

8  
9 THE CORONER: You are not going to see them via me because I commissioned my own  
10 independent expert, Dr Black, to look at things fresh from the point of view of what I had to  
11 do at the inquest so I am not interested in those reports.

12  
13 MR MEHIGAN: Surely if there were two previous experts considering the case that is  
14 important and probative evidence in the case regardless of the fact that there is now a third  
15 one?

16  
17 THE CORONER: No, I am not with you on that. I have got an independent expert  
18 witness and I consider that sufficient for this inquest. Is there anything else that you want to  
19 mention?

20  
21 MR MEHIGAN: So far as disclosure is concerned, no, thank you.

22  
23 THE CORONER: Does anyone else have anything they want to deal with?

24  
25 MR ?: This might have been dealt with by Mr Knowles actually, sir, but I just want to be  
26 sure that the bundle will contain all nursing notes and the prescription charts. Is that the  
27 intention?

28  
29 THE CORONER: I have got very comprehensive notes and I think that we will use ---  
30 whether we actually refer to all of the at least we will have it there, so it will be  
31 comprehensive.

32  
33 In that regard, Mr White very kindly helped me with some photocopying on the gods  
34 obviously I am a guardian of public funds here. If I do photocopy these to interested parties  
35 I know it is not entirely within the rules and I have a begging bowl here; would you be  
36 prepared to cover the basic photocopying costs for me?

37  
38 MR MEHIGAN: I am using public funds as well, sir.

39  
40 THE CORONER: Yes, I know, but there is rather a lot. I know it is improper of me to ask  
41 but a gesture of goodwill would help an awful lot.

42  
43 MR ?: I am sure we can help.

44  
45 THE CORONER: All right then.

46  
47 MR ?: I think we borrowed them and copied them in-house and were able to retain the  
48 originals and that was (inaudible). So maybe other institutions will be able to help in that  
49 regard.

50

1 THE CORONER: Yes, the fact is that I have got three different people --- and, Mrs  
2 O'Brien, I have got to include you as well because you are not legally represented. As  
3 regards the inquest documents if I am going to supply them to everybody else would you  
4 want them?  
5

6 MRS O'BRIEN: I have from way, way back the nursing notes and the drug charts.  
7

8 THE CORONER: We are talking about the vast amount of documentation here.  
9

10 MRS O'BRIEN: I am sure between as we have got a set of everything so far.  
11

12 MRS McKENZIE: I think so, yes, but some papers I did not receive until 2004.  
13

14 MR ?: Sir, forgive me, is your set to be paginated?  
15

16 THE CORONER: Yes.  
17

18 MR ?: If we are all to have the same pagination it might be best if everyone has the same  
19 bundle of documents.  
20

21 THE CORONER: Yes, I think that is very sensible.  
22

23 MR ?: If there are more than 30 pages it is very difficult for everyone to shuffle through  
24 and find the right page. If it is page 1538 it can all get there quickly there is one pagination.  
25

26 THE CORONER: Yes. It is an administrative matter that we can sort out.  
27

28 MRS McKENZIE: I am very much aware that when I saw papers given to me in the third  
29 and fourth investigation I had never seen them before and I haven't been able to make any  
30 comment on them and I was told I was not going to be allowed to make any comment on  
31 them. There is one piece of paper in particular that I felt was extremely important.  
32

33 THE CORONER: Mrs McKenzie, the difficulty is that I am not here to look at the merits  
34 of the police investigation. If you have got concerns about that there are other avenues that  
35 you will have to pursue and I am sure your legal advisers will explain that to you.  
36

37 MRS McKENZIE: All my complaints against the police, as you know, have been upheld.  
38 When it got to 2004 and I was able to (inaudible) on which of course I could not comment I  
39 did go to the IPCC to make a further complaint. It took four hours and I said I hoped they  
40 would record it (which they didn't do) and then about six or seven weeks later I was told  
41 they couldn't read their shorthand and I am afraid I gave up at that stage. I'm sorry if I am  
42 causing ---  
43

44 THE CORONER: No, no, that's quite all right.  
45

46 MRS McKENZIE: But there was one piece of paper which I was very concerned about.  
47

48 THE CORONER: I think the best thing is if you take it up with Mr White and if Mr White  
49 feels it is something that I should know about I am sure Mr White will tell me.  
50



1 MRS McKENZIE: Yes.

2  
3 THE CORONER: Coming back to you, Mrs O'Brien, you say you have got most of it  
4 already. I think the easiest thing is if you could liaise with Mr White ---  
5

6 MRS O'BRIEN: Yes, of course.  
7

8 THE CORONER: And then if there is anything new that you haven't seen we will get  
9 back to you.  
10

11 MRS O'BRIEN: Yes, thank you.  
12

13 THE CORONER: Are there any other matters that you want to raise, Mr Mehigan?  
14

15 MR MEHIGAN: No, I think those are all the concerns that we had before we arrived,  
16 thank you.  
17

18 THE CORONER: I think we have probably taken it about as far as we can today unless  
19 there are any other matters that anyone else wants to raise with me? Mr Knowles, you're  
20 looking as though you might want to say something?  
21

22 MR KNOWLES: No, sir.  
23

24 THE CORONER: Is there anything else at all that anyone else wishes to raise?  
25

26 MS ?: Can I just ask where it will be held? Will it be in the Crown Court or ----  
27

28 THE CORONER: I don't know yet because I want to find a venue where Mrs McKenzie  
29 and hear what is going on and the chances are it will probably be in the Crown Court. In  
30 that sense if I know it is going to 25<sup>th</sup> October - and in a way I'm grateful for that - we can  
31 get a courtroom because I know they have got those facilities. So if I ask for it now and if I  
32 ask for it for 25<sup>th</sup> October for possibly up to two weeks I will get it, fingers crossed, but at  
33 the moment I can't say precisely. I think you can say 90 per cent certain that it will be in  
34 Portsmouth Crown Court.  
35

36 So all that remains, if there is nothing else that anyone wants to raise me, is to thank you all  
37 very much indeed for your attendance and participation today. I feel I have made some  
38 progress, thank you.  
39  
40  
41  
42  
43  
44

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