

Second Inquest for Leicestershire family following Mid-Staffs NHS Trust Failings – Adjourned

Background

In April 2006 John Moore Robinson sustained an injury to his abdomen whilst mountain biking. As a result of his injuries he was taken by ambulance to Mid Staffordshire Hospital. Later that afternoon John was discharged by the Hospital with analgesia and a diagnosis of musculoskeletal pain. Sadly he died some hours later. The cause of death was given as haemorrhaging due to a ruptured spleen. An inquest was held in 2007 where the narrative verdict highlighted accidental death. Shortly after this the Trust quickly settled a clinical negligence claim.

Following the first report by Robert Francis QC (The Mid Staffordshire NHS Foundation Trust Inquiry) in 2010, it became apparent that one of the Trust's own A&E Consultants had prepared a report for the benefit of the coroner's consideration but this had not been disclosed. The report was critical of the care provided to John at the time he was seen in the A&E department.

Quashing the First Inquest

Additional information came to light and on 25th March 2013. The family, who were being represented by **AvMA under our Pro Bono Inquest Service**, secured a fiat (permission) from the Attorney General to make an application to the High Court for an order quashing the original inquest and directing that a fresh inquest be held.

Proceedings were issued in the High Court and the matter was eventually dealt with by a consent order in August 2013. It was a term of the order that the second inquest should be held by another coroner in another district. Counsel, **Paula Sparks** of Doughty Street Chambers, assisted with this part of the process.

The Second Inquest

HM Coroner Leicester, Mrs Catherine Mason, was appointed to deal with this case. A pre inquest hearing was held on 8th November. During this hearing the coroner was very clear that the Trust should disclose any documents they had. The inquest hearing date was fixed.

Despite all of this and after only one day of evidence it became apparent that the Trust had not disclosed the relevant nursing rotas for the day and that such rotas did indeed still exist. The rota suggested that on the relevant day there may have been at least 6 nurses on duty – to date we had only been able to identify 2.

The Adjournment

Given that the circumstances of discharge are important in this case and that so far, no one is able to identify who the nurse discharging John was, the Coroner had little alternative but to adjourn the hearing. Mrs Mason is now pursuing further investigations in an attempt to try and establish whether any other staff can be identified from the rota and who may be relevant to the inquiry.

A new date for a further Pre Inquest Hearing has been fixed for July. The date for the adjourned inquest will be fixed at that time.

Despite the Trust's apologies for their carelessness, the family naturally feel devastated by having this ordeal drawn out any longer than is necessary. They had hoped that, after 8 years, the

conclusion of this inquest - scheduled for the end of this week, would offer them the opportunity to learn the truth about John's death.

The family recognise the importance of trying to conclude matters so they can then do the best they can to focus on moving on. They need the chance to start coming to terms with John's death, to grieve and find some modicum of closure. This delay, which was so avoidable has stalled that fervent wish and has dealt them yet another cruel and emotionally agonising blow. For John's family the Trust's actions are more couldn't care less than just careless.

John's family have been represented by **Lisa O'Dwyer** under AvMA's pro bono inquest scheme. Counsel for the family at the second inquest is **Isabel McArdle** of 1 Crown Office Row.

For newspaper and media reports of the case please follow the links below:

<http://www.telegraph.co.uk/health/healthnews/10796261/Stafford-inquest-halted-as-hospital-ordered-to-disclose-the-truth.html>

<http://www.bbc.co.uk/news/uk-england-27208332>

<http://www.expressandstar.com/news/2014/04/29/stafford-hospital-staff-were-busy-say-friends-of-tragic-cyclist-john-moore-robinson/>

<http://www.expressandstar.com/news/uk-news/2014/04/29/parents-weep-over-new-inquest-delay/>

<http://www.theguardian.com/society/2014/apr/29/stafford-hospital-death-second-hearing-adjourned>