

Review of Fatal Accident Inquiry Legislation

Respondent Information Form

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

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1. Are you responding (please tick one of the following boxes)
- (a) as an individual? (go to Q2)
(b) on behalf of a group or organisation? (go to Q4)

INDIVIDUALS

2. Do you agree to your response being made available to the public on the Review of Fatal Accident Inquiry Legislation website? (please tick one of the following boxes)

Yes (go to Q3)
No **We will treat your response as confidential**

3. Where confidentiality is not requested, we will make your response available to the public on the following basis (please tick one of the following boxes)

Yes, make my response, name and address all available
Yes, make my response available, but not my name or address
Yes, make my response and name available, but not my address

ON BEHALF OF GROUPS OR ORGANISATIONS:

4. The name and address of your organisation will be made available to the public on the Review of Fatal Accident Inquiry Legislation website. Are you also content for your response to be made available? (please tick one of the following boxes)

Yes
No **We will treat your response as confidential**

Questions

Section 1- Introduction

There are no questions within this section of the consultation paper

Section 2- General

The questions from section 2 of the consultation paper are presented below.

1. Should there be any change in the purpose or the features of FAIs? (Please tick one box)

Yes

No

If yes, please outline the changes that you think should be introduced.

I BELIEVE THERE SHOULD BE AN APPEAL PROCESS.

2. Should FAIs be held in some forum other than the sheriff court? (Please tick one box)

Yes

No

If yes, what forum would you suggest?

Why have you suggested this forum?

3. Should specialist procurators fiscal handle FAIs? (Please tick one box)

Yes

No

Please explain your answer.

I BELIEVE IT WOULD BE AN ADVANTAGE TO THE MAJORITY OF FAMILIES, HAVING A SPECIALIST UNIT DRAWN FROM THE COPFS, HANDLING BOTH MANDATORY AND DISCRETIONARY FAI'S

If you answered yes, above, should they be part of a centralised team dedicated to FAIs? (Please tick one box)

Yes

No

Please explain your answer.

BEING SPECIALISTS THEY HAVE TO BE CENTRALISED FROM THE MANY DISTRACTIONS IN THE C.O.P.F.S. AND CONCENTRATE SOLELY ON FAIS.

4. Should the scope of the Act be altered so as to cover FAIs into the death of a Scot abroad? (Please tick one box)

Yes

No

Please explain your answer.

I BELIEVE IT IS WRONG THAT RELATIVES OF SCOT'S ARMED FORCES KILLED ABROAD HAVE TO TRAVEL TO ENGLAND FOR A CORONERS INQUEST. PROVISION SHOULD BE MADE FOR FAIS TO BE HELD IN SCOTLAND.

5. Should it be possible for FAIs to be held, where appropriate, into multiple deaths in more than one jurisdiction? (Please tick one box)

Yes

No

Please explain your answer.

THE RECENT OUTBREAK OF C. DIFF. IN HOSPITAL WHERE MANY PEOPLE DIED AFTER BEING DISCHARGED, AS WELL AS IN THE HOSPITAL, ALL FROM THE SAME INFECTION BUT LIVE IN DIFFERENT PLACES.

Section 3- The decision that an FAI should be held

The questions from section 3 of the consultation paper are presented below.

6. Should the deaths which fall within the mandatory category be changed? (Please tick one box)

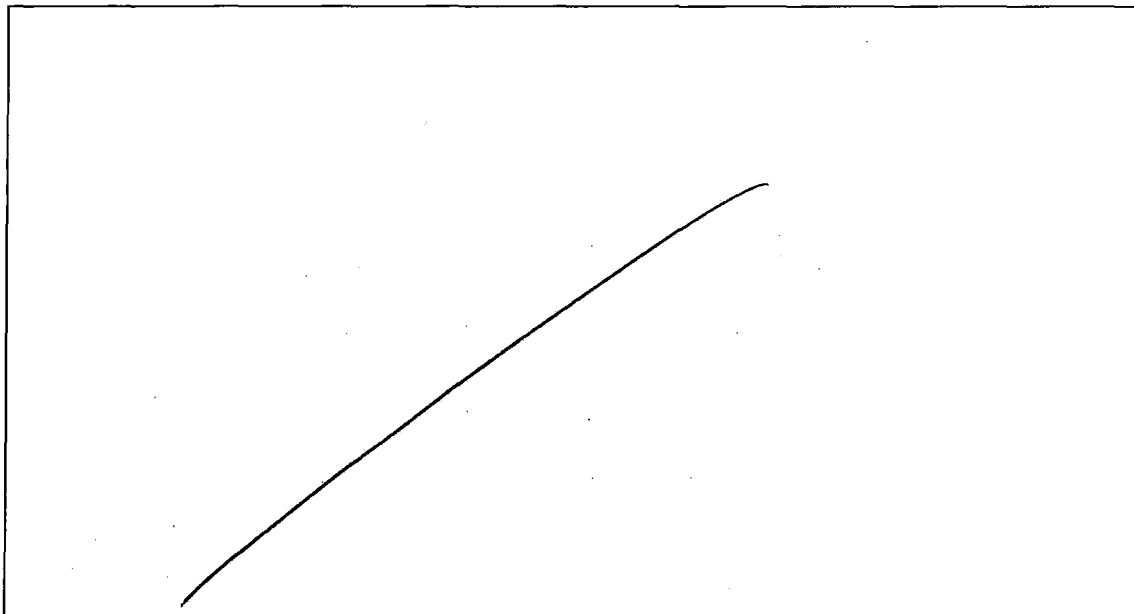
Yes, certain deaths should be added

Yes, certain deaths should be removed

Yes, both additions and removals should be made

No, no change should be made to the mandatory category

If you answered yes, that deaths should be added or removed, please explain your answer.



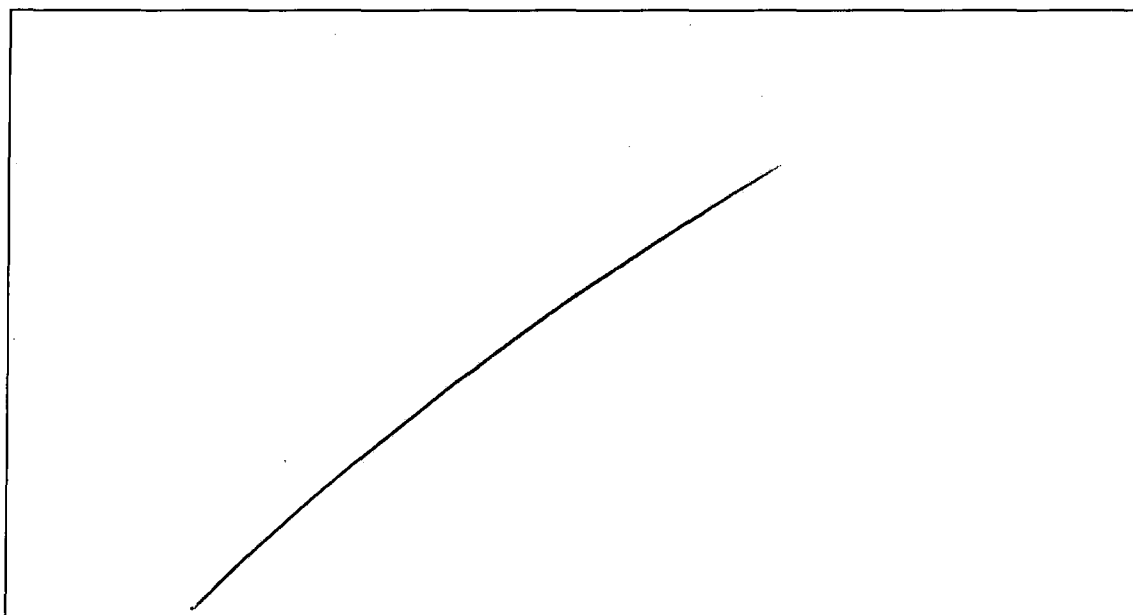
7. Should the requirement to hold an FAI into a death which falls into the mandatory category be subject to exception?

(Please tick one box)

Yes

No

Please explain your answer.



8. Should other interested parties be able to make representations to the Lord Advocate during the decision making process? (Please tick one box)

Yes

No

If yes, which parties should be able to make representations?

MY DAUGHTER TRACEY SUFFERED FROM RETT SYNDROME A MENTAL AND PHYSICAL DISABILITY. BEFORE AND DURING HER FAI, WE WERE REPRESENTED BY A WELL KNOWN DISABILITY CHARITY.

Please explain why you feel that these parties should be able to make representations.

IT IS A WELL KNOWN FACT HOSPITAL TREATMENT FOR THE MENTALLY DISABLED PATIENTS OF THIS COUNTRY IS AN ABSOLUTE DISGRACE, THESE CHARITIES ARE ABLE TO HIGHLIGHT THE PROBLEMS THAT EXIST FOR FAMILIES SEEKING MEDICAL HELP, FOR THEM.

9. Where the Lord Advocate decides not to hold an FAI, should a formal, reasoned decision be provided to relatives of the deceased? (Please tick one box)

Yes

No

Please explain your answer.

A MORE FORMER FULLER ANSWER IS MORE ACCEPTABLE TO AN ALREADY DISTRESSED MIND,

Section 4- Holding an FAI

The questions from section 4 of the consultation paper are presented below.

10. Is adequate notice given to interested parties in advance of an application being made? (Please tick one box)

Yes

No

If no, please explain your answer and outline what you feel would be adequate notice.

11. Is adequate advice, information and support provided to the relatives of the deceased? (Please tick one box)

Yes

No

If no, what improvements could be made?

12. Is the current approach to the provision of legal aid to relatives appropriate? (Please tick one box)

Yes

No

Please explain your answer.

IN ORDER FOR THE INQUIRY TO BE FAIR AND JUST, ALL PARTIES INCLUDING THE RELATIVES MUST HAVE LEGAL REPRESENTATION.

Section 5: Evidence and procedure

The questions from section 5 of the consultation paper are presented below.

13. Should provision for preliminary hearings be made in respect of the whole of Scotland? (Please tick one box)

Yes

No

Please explain your answer.

I DO NOT BELIEVE ITS REQUIRED.

14. Should evidential material be provided to parties in advance of the FAI? (Please tick one box)

Yes

No

Please explain your answer.

THERE IS NO ADVANTAGE TO IT FOR ANY PARTY.

15. Should there be relaxation of the conditions under which signed and sworn statements can be used? (Please tick one box)

Yes

No

Please explain your answer.

IT IS MY BELIEF ONLY SICKNESS OR ILLNESS SHOULD PREVENT SOMEONE FROM GIVING ORAL EVIDENCE.

16. What can be done to ensure that the most authoritative independent experts are selected to give evidence at FAIs?

USE ADVICE FROM THEIR SENIORS,
OR USE THE LIST FOR THE LAW SOCIETY.

17. Is there a place for expert assessors in FAIs? (Please tick one box)

Yes

No

If yes, should more use be made of them? (Please tick one box)

Yes

No

Please explain your answer.

IN DIFFICULT MEDICAL CASES IT SHOULD BE MANDATORY FOR THEM TO BE UTILISED. IN MY DAUGHTERS CASE THE SHERIFF WAS MISLED BY A CONSULTANT WHO LIED UNDER OATH, IF AN ASSESSOR HAD BEEN INVOLVED IT WOULD NEVER HAVE BEEN IGNORED BY CROWN OFFICE.

18. Should the evidence of a witness at an FAI be inadmissible in other judicial proceedings? (Please tick one box)

Yes

No

Please explain your answer.

AS I SAID PREVIOUSLY MY DAUGHTERS CONSULTANT LIED ON OATH HE TOLD THE COURT HE LEFT THE HOSPITAL ON 2ND DEC 1998, AND DID NOT RETURN TILL 7 DEC 1998. UNTIL AFTER TRACEY DIED WHICH WAS 6 DEC 1998, DR ZUBERI HIS REGISTRAR LEFT THE HOSPITAL WITH HIM ON 2ND DEC 98 HE TOLD THE COURT BOTH OF THEM RETURNED TO THE HOSPITAL ON DEC 4TH 98, NOT DEC 7TH 98 AS CLAIMED BY THE CONSULTANT. I REPORTED HIM TO THE G.M.C. THEY HELD AN INQUIRY WHERE HE ADMITTED BEING IN THE HOSPITAL FROM MONDAY 30 NOV 98 UNTIL FRIDAY 4TH DEC 98 EXCEPT THURSDAY 30TH DEC 98. HE TOLD THE SHERIFF HE ONLY SAW TRACEY ONCE MONDAY 30TH DEC 98. THAT IS WHAT IS WRITTEN EVIDENCE IN THE MEDICAL NOTES. CROWN OFFICE HAS IGNORED THE DAMNING EVIDENCE IN BOTH TRANSCRIPT NOTES FROM THE FAI, AND THE G.M.C. INQUIRY.

Section 6- Determinations

The questions from section 6 of the consultation paper are presented below.

19. Should there be guidance as to matters which should be covered by determinations? (Please tick one box)

Yes

No

Please explain your answer.

THERE SHOULD BE SOME KIND OF UNIFORMITY IN THE WAY SHERIFFS COMPLETE DETERMINATIONS.

20. Would it be helpful to create an up to date public database of determinations? (Please tick one box)

Yes

No

Please explain your answer.

IN MEDICAL FAIS SHERIFF RECOMMENDATIONS SHOULD BE MANDATORY IN THE INTEREST OF PATIENT SAFETY.

21. Should responses to recommendations be monitored? (Please tick one box)

Yes

No

Please explain your answer.

IF ITS TO A RECOMMENDATION THATS BEEN
IMPLEMENTED FOR PATIENT CARE AFTER
A MEDICAL FA, IT WOULD HAVE TO
BE MONITORED.

If yes, should this be done centrally and by whom?

Yes

No

CROWN OFFICE

If yes, to whom should any report be made?

SCOTISH PARLIAMENT.

22. Should the Lord Advocate be able to apply for a further FAI or the re-opening of an FAI? (Please tick one box)

Yes

No

If no, why not?

IT SHOULD BE DECIDED ON NEW FRESH EVIDENCE WHICH I HAVE THAT PROVES MY DAUGHTERS CONSULTANT LIED ON OATH. AND THE SHERIFFS DETERMINATION IS ERRONEOUS CROWN OFFICE REFUSE TO ACCEPT THE EVIDENCE BECAUSE OF WHO THE CONSULTANT IS.

If yes, should this only be in limited circumstances? (Please tick one box)

Yes

No

Please explain your answer.

I ONLY WANT JUSTICE FOR MY DAUGHTER I WOULD LIKE A FAIR CHANCE TO SHOW MY EVIDENCE PROVES BEYOND REASONABLE DOUBT THAT SHOULD THE LORD ADVOCATE LOOK AT THIS EVIDENCE SHE WOULD AGREE WITH ME THAT MY DAUGHTERS CONSULTANT DELIBERATELY LIED UNDER OATH WITH INTENT TO MISLEAD. I WOULD BE ETERNALLY GRATEFUL IF LORD COLLEN COULD HELP ME IN THIS MATTER.

End of questions

Additional space for responses

If using these pages, please ensure that you give the number of the question that your response refers to.