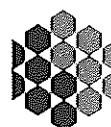


FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Edwin Poots MLA



Department of
**Health, Social Services
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Mr Paul Givan MLA
Chairman Committee for Justice
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Our Ref: AGY/271/2014

Date: 18 April 2014

Dear Paul

THE LEGAL AID AND CORONERS' COURTS BILL

Thank you for your letter of 4 April 2014 seeking comments on the contents of The Legal Aid and Coroners' Courts Bill and on the Attorney General's proposal for a potential amendment to that Bill.

I have noted the contents of the Bill as drafted and introduced on 31 March 2014, and there is nothing contained therein which is relevant to the work of my Department.

In relation to the Attorney General's proposed amendment, I have not seen the exact wording of that proposal. It would be important to consider whether the proposal would meet the Attorney General's policy intent and if it meets data protection requirements.

In your letter you have indicated that he has experienced some difficulty in securing access to documents and that the principle focus of his concerns relates to deaths in hospital or where there is a suggestion that medical error may have occurred.

If the Attorney General's proposal is, as suggested, related purely to deaths that occur in hospital or where there is otherwise a suggestion that medical error may have occurred, I would wish to see the detail of the proposed amendment, along with a clear indication of how it would be used in practice and what the wider implications would be.

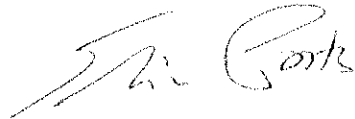
My Department promotes a culture of learning, openness and transparency. I want to ensure that when things do go wrong, the necessary learning is applied across the entire Health and Social Care system in Northern Ireland.

I have initial concerns that a legislative requirement to produce documentation may have an adverse impact on staff coming forward to provide relevant information which in turn could damage the potential to identify and share learning from serious adverse incidents or deaths in hospital.

Without knowing the specific detail of the Attorney General's proposal, I would not wish to comment any further at this stage.

I think it is important to bear in mind that the Executive have agreed the policy to inform the Bill as introduced to the Assembly on 31 March 2014. As this proposal would have an impact on, at least two Departments, it would need to be considered by the Executive.

There is also the issue of whether the proposed amendment will fall within the scope of the Bill and this will be a matter to be considered by the Minister of Justice and the Speaker.

A handwritten signature in black ink, appearing to read 'Edwin Poots', is centered on the page.

Edwin Poots MLA
Minister for Health Social Services and Public Safety