

BRI INQUIRY**Comments of Professor P J Berry
on the evidence of H M Coroner for Avon District, Mr Paul Forrest of 19 October 1999
and WIT 308/1**

Line 0015 13 UBHT 308/50 My letter to Dr Parker (Head of the Homograph Department at the National Heart Hospital). Dr Parker had written on 16 September 1986 to ask about the possibility of supplying heart valves for use as homografts. This removal of normal tissue was for therapeutic purposes, not relevant to diagnosis of the cause of death. My reply to Dr Parker, quoted at line 0115 21, was with reference to those normal tissues which I had been asked to provide and in respect of which specific consent of the relatives was needed.

As previously identified in my statements to the Inquiry, I emphasise that many of my post-mortem reports indicated that further tests were to be carried out which might affect the cause of death. The Coroner's officers would regularly ask, when the cause of death was given over the telephone to them by me, whether there was to be histological examination.

Line 0116 14 I am surprised to note that the Coroner in his evidence to the Inquiry takes the view that tissue may only be retained in the context of an inquest arising. This was certainly not how the system operated. I have often telephoned the Coroner's office and said that I cannot give a cause of death that day, but wished to wait for histology. I then gave a cause of death based on this histology without any inquest, and with the full knowledge of the Coroner and his officers.

I have now seen a copy of the letter from Mr Hawkins written to pathologists in response to the Home Office Newsletter No.11 (1989). It may well be that the letter I wrote to the paediatric cardiologists and cardiac surgeons in 1989, which I did not recall and of which I believe no copy has been found may have been written in response to the letter of Mr Hawkins.

Line 0019 8 I note that Mr Forrest identifies in his evidence that he has not had cause to bring the Home Office circular to the attention of this hospital during his term of office. I believe that this reflects the care taken to ensure that post-mortems were carried out lawfully, at all times, as reflected in my earlier evidence.

Line 0119 14 The evidence of Mr Forrest that if anyone has asked him whether they could keep tissue or organs after a post-operation Coroner's post-mortem, he would have said "no" is at variance with my telephone conversation with him, recorded in my confidential file note about my meetings with Mrs Rickard in 1996. In that telephone conversation he confirmed that hearts had been retained with his authority. I have received no written or verbal instructions following that telephone conversation instructing me to change my practices.

Line 0121 14 I am certain that the letter I wrote Mr Dhasmana (UBHT 308/18) was not written in response to the retention of an organ. Mr Forrest is wrong when he stated that my letter "must have arisen on the retention of an organ which had caused distress and disquiet, when I intervened. It does arise from time to time and I have to intervene. It is obvious at that stage it was occurring." I do not recall any occasion on which a parent had complained or been distressed by this issue prior to 1996 when Mrs Rickard contacted us. I do not believe that I discussed this as an issue with Mr Forrest prior to that date.

Line 0129 13 Counsel to the Inquiry is here referring to the BRI, which carries out only adult post-mortems, while I presume the reference is intended to be to the department carrying out paediatric cardiac surgical post-mortems. There is confusion here. The Coroner had not asked us to expand our reports in any way. (see line 0128 22).

Line 0130 24 The issue of retention of hearts was apparently raised at an inquest in 1993 in which I was not personally involved (see statement of Ms Marie Edwards and my comments on it), and later when I returned the heart to Ms Edwards at the Coroner's Court (after I had returned Mrs Rickard's daughter's heart to her, as I recall).

I discussed the practice with Mr Forrest in 1996, when he did not express any objection and agreed that we had retained hearts under the Coroner's Rules and with his authority.

Line 0131 9 Again, the BRI is referred to rather than the Department of Paediatric Pathology at St Michael's Hospital which now carries out all post-cardiac surgical post-mortems in children.

As a general comment, I am concerned to read Mr Forrest's evidence to the Inquiry, which appears to me to be at variance with our actual practice – in other words, how the pathology department was working with him and his Coroner's Officers on a day-do-day basis. This is particularly so because, when we discussed it in 1996, Mr Forrest apparently knew what our practice had been and agreed that it had been within the Coroner's Rules. Indeed, I was concerned at that time (1996) to ensure that the Coroner was of that view or, alternatively, to identify anything he wanted us to do differently.

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