

The Death of David Gray – Unlawful Killing Verdict

The inquest into the death of Mr David Gray who died following an overdose of diamorphine administered by an EU doctor during an out-of-hours visit, concluded today with a verdict of unlawful killing.

Inez Brown from Anthony Collins Solicitors, representing Mr Gray's family commented; "David Gray was killed unlawfully when Dr Ubani gave him a lethal overdose of diamorphine but communication breakdowns between the UK and German authorities mean that he is now immune from prosecution in this country. Patently someone should be held to account for Mr Gray's death and we will be advising the family on possible next steps."

Mr Gray's son, Dr Stuart Gray, himself a GP went on; "Every doctor used for out-of-hours care should be properly trained for the job and every one should be able to speak English, common sense requirements, which Dr Ubani failed to meet. My father's tragic death happened because of his actions and because of serious failings within the Cambridgeshire Primary Care Trust and Take Care Now. We want to see someone tried under UK law for his death but we also want to see safeguards put in place nationwide to prevent this happening again."

The inquest heard how Mr Gray, who suffered with kidney stones, died when Dr Ubani from Germany, on his first shift in the UK, injected him with 100mg of diamorphine, 10 times the maximum dose normally recommended. As the 8-day hearing continued more examples of clear failings on the part of the Cambridgeshire Primary Care Trust and Take Care Now came to light including two incidents which pre-date Mr Gray's death where patients were given overdoses of diamorphine.

In addition, the failings of Sufdoc, the out-of-hours agent originally contracted by Cambridgeshire Primary Care Trust, came to light. The culpability of Sufdoc, which sub-contracted the out-of-hours service to Take Care Now, also came into question in light of their contractual relationship.

The Coroner, Mr W R Morris, concluded the inquest by recommending that the Lord Chancellor and the Health Minister instruct Take Care Now and the Cambridgeshire Primary Care Trust to investigate the issues and failings highlighted by the inquest to ensure that safeguards are put in place to prevent a repeat of this tragic situation.

Inez Brown continued; "Regrettably it has taken David Gray's death to highlight that current regulations for the employment of EU doctors in the UK and the procedures adopted by primary care trusts and some out-of-hours agents are simply not robust enough, compromising patient safety. Despite differences in training and a lack of familiarity with the NHS, doctors from Europe, are subject to less stringent checks than doctors from anywhere else in the world."

A European arrest warrant issued to extradite Dr Ubani from Germany to England for trial was refused by the German authorities. Instead, he received by post a 9 month suspended sentence and costs of 5,000 euros from a District Court in Germany for the lesser charge of causing harm/death by negligence. The Gray family are now considering taking this matter to the European Court of Human Rights.

In the meantime they will continue with civil action against Dr Ubani, the Cambridgeshire Primary Care Trust and Take Care Now, and expect that this will conclude towards the end of this year. In light of the contractual evidence that came to light during the inquest between Take Care Now and Sufdoc, they are also considering a further civil action against Sufdoc.

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Further information is available from the Anthony Collins Solicitors Press Office.

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Please see accompanying briefing notes for more information.

Editor's Notes

Anthony Collins Solicitors

Anthony Collins Solicitors is a full service law firm with a national reputation for advising individuals, businesses, not-for-profit organisations, local authorities, and public sector bodies throughout the UK. For nearly four decades, it has been successfully combining market-leading legal expertise with a commitment to excellence and long-term relationships underpinned by a strong ethical position.

Chambers UK, the leading guide to the legal industry, recently praised the firm across its broad range of practice areas, singling out an outstanding 20 leaders in their fields.

Its Clinical Negligence team has also been recognised by members of the legal profession. In particular, the Legal 500 and Chambers UK guides recommend Anthony Collins Solicitors as one of the leading law firms in clinical negligence in the West Midlands.

Inez Brown, Associate Solicitor, is the lead solicitor acting on behalf of the Gray family working alongside the team's two partners, Tony Hall and Rankeshwar Batta. Profiles for each of these individuals are available at <http://www.anthonycollins.com/who-we-are/our-people.aspx>.