

The Death of David Gray – Death by Unlawful Killing Verdict Media Briefing Notes

Verdict

A verdict of death by unlawful killing is awarded where a death has been caused by either murder or manslaughter. However it is not the role of the Coroner to find anyone guilty of these offences, but to determine how someone died.

Normally, in these circumstances the Director of Public Prosecution would institute proceedings. However, in this case this is no longer possible under UK law as Dr Ubani has already been convicted in Germany.

Key Issues

The inquest investigated key aspects of the case that have raised critical questions about patient safety and the provision of out-of-hours care in this country.

1. Currently the vetting and monitoring processes used by primary care trusts and out-of-hours agents to check EU doctors is simply not robust enough, often not even adequately checking the doctor's command of the English Language. This case has now led to calls for a national registration system which puts in place proper safeguards.

The Care Quality Commission's interim findings on the service provided by TCN concluded that primary care trusts were failing to consistently and routinely look at the quality of care provided by out-of-hours services and stated that they are "concerned PCTs across the country may not be monitoring GP out-of-hours services closely enough".

2. In the UK GPs are required to train for a further three years after qualifying as a doctor, whereas GPs in the EU do not need to undergo this additional training yet they are still able to apply for registration as a GP in the UK. Doctors coming to work in Britain from the EU should be tested to prove they have the knowledge and skills needed for the job in question and that they are fit to practise in the UK.
3. As yet, nobody has been held accountable in an English court for the death of David Gray. The European arrest warrant issued to bring Dr Ubani back to the UK to face possible charges was refused. He never appeared before a German court and was never interviewed by police but received by post a 9 month suspended sentence and costs of 5,000 euros (£4,500) from the District Court in Witten, Germany for the lesser charge of causing actual harm/death by negligence.

Under the double jeopardy rule no defendant can be tried twice for the same crime based on the same set of facts. The family are now considering taking this matter to the European Court of Human Rights.

Quotes/Comment

Insert quotes from the family if provided

Coroner's Recommendations

Under Rule 43 the coroner has the power to make a report and recommendations where they believe that action should be taken to prevent future deaths.

In this instance Mr W R Morris, the Coroner, has recommended 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 bring about changes to the way out-of-hours care is delivered in this country and to ensure that sufficient safeguards are put in place to prevent a repeat of this tragic situation.

These recommendations are supported by the Cambridgeshire Primary Care Trust.

Sufdoc & Take Care Now

The inquest established that Cambridgeshire Primary Care Trust originally contracted Suffolk Doctors on Call (Sufdoc), an out-of-hours agent, to provide the out-of-hours service for the area. Suffolk Doctors on Call sub-contracted this service to Take Care Now.

Take Care Now – Previous Incidents

22 April 2007 a Take Care Now doctor gave 30 mgs of diamorphine to a patient with back pain and again, on 17 August 2007 another doctor from TCN administered 30 mgs of diamorphine. In both instances the inquest heard that these were dangerous and inappropriate doses.

Further Information

A summary of the evidence given during the inquest can be found on the Anthony Collins Solicitors website, www.anthonycollins.com/news-and-events/news.aspx.

For further information please contact the Anthony Collins Press Office.

For general enquiries contact Simeon Ling on 07841 499693 or for media enquiries contact Jo Garner on 07717 897991 or 01527 888992, email media@anthonycollins.com. www.anthonycollins.com

Anthony Collins Solicitors

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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>.