

## TRANSCRIPT OF PROCEEDINGS

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Ref. U20240614-100034; 9021152

### **IN THE CORONER'S COURT AT BIRMINGHAM Sitting at Aylesbury Crown Court**

Walton Street  
Aylesbury

**CORONER: HIS HONOUR JUDGE FOSTER**

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**THE INQUEST OF: DEATH ASSOCIATED WITH IAN PATERSON**

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**14<sup>th</sup> JUNE 2024,  
10.00-10.26**

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1 JUDGE FOSTER: Very well. Well, good morning. This is the adjourned or a further pre-inquest  
2 review hearing in the multiple inquests involving the deaths of patients of the former surgeon, Ian  
3 Paterson. I must first give some warnings and directions about remote access. There is a statutory  
4 prohibition on the broadcast of visual images from hearings in a Coroner's Court, but I can now, by  
5 virtue of my common law powers, permit interested persons, including next of kin as well as their  
6 representatives, to participate in these proceedings by way of video live transmission. I also give  
7 permission to observers, including members of the press and other media outlets, to access these  
8 proceedings by the same means. I must, however, give a warning that it is a criminal offence and a  
9 contempt of court to record or transmit these proceedings.

10 The principal purpose of today's hearing is to deal with the ability of Mr Paterson to prepare  
11 for the inquests due to begin on October the 7<sup>th</sup>, and for that purpose, he is, I know, present today, as  
12 is a governor or a governor's representative from the prison where he is being held, in order to talk  
13 through the problems, hear what they are insofar as they do exist, and then to see if we can resolve  
14 any issues to make sure there is no handicap or hinderance upon Mr Paterson preparing adequately  
15 for these inquests.

16 Can I remind parties that although this is by video link, there's a tendency to - on the side of  
17 informality. This is a court hearing. There is an official recording being made and members of the  
18 press and public are present by video link, so bear that in mind, please.

19 Mr Paterson, morning to you. I've seen correspondence between those helping you - I know  
20 helping you, BCL are not acting for you, but helping you as lawyers, as to trouble you're having -  
21 difficulty you're having in connection with your preparation and I'd like to hear what that difficulty  
22 is, then hear from Mr Burrell to see how we can sort those difficulties out.

23 MR PATERSON: Can you hear me?

24 JUDGE FOSTER: Yes, I can, yes.

25 MR PATERSON: Yep, OK. It strikes me that there are several issues and they're all linked to  
26 some kind of vicious circle, and we're going to have to break that circle for progress to be made.  
27 There's a preparation issue. I'm not going to participate unless I'm properly prepared and properly  
28 represented, which means there's a funding issue, because currently the funding in this case is  
29 disproportionately allocated by the government towards your infrastructure, experts, solicitors, et  
30 cetera, et cetera, and my funding to date has been through the (inaudible). So that can't continue -  
31 indeed, it can't continue simply because they've run out of funds.

32 So we have, at your insistence, sought (inaudible) alternative funding. The Legal Aid  
33 Agency has denied those as, strangely, have the FDU, although I believe (inaudible) there and I

1 should emphasise at this stage that BCL are out of funds as far as I'm concerned and they're  
2 concerned. So they are not helping with preparation for (inaudible). (Inaudible).

3 JUDGE FOSTER: Just to pause there. We're getting some feedback on the system which is  
4 affecting ---

5 MR PATERSON: (Inaudible).

6 JUDGE FOSTER: OK. (Inaudible) we're just going to mute the other participants so as to improve  
7 the quality of the transmission for you.

8 COURT CLERK: Mr Paterson, can you still hear us? Sorry, (inaudible) try again.

9 MR PATERSON: Yes, I can hear you.

10 JUDGE FOSTER: Good, thank you, and we can hear you as well.

11 MR PATERSON: OK, that's better.

12 JUDGE FOSTER: Well, just to interrupt you there. I have no power over your funding in terms of  
13 legal fees. I know that BCL have made an application for Legal Aid for you and I also know that  
14 you made application to the Medical Defence Union, but that's not a matter which I can get involved  
15 in. What I'm more concerned about is the facilities you have on your own to prepare whilst in  
16 custody for those inquests. Do you understand?

17 MR PATERSON: I do, but these are linked. I mean, I can have - I am being - I'm being denied  
18 access to the materials currently on the basis of regime problems that occur at the prison and that - I  
19 can't see a way round that, although I am due to be decategorised. It has come the time in this  
20 unjust sentence that I am decategorised and should move to an open prison very soon and that may  
21 improve the - Mr Burrell will tell you, I don't know the ins and outs of that, but that should improve  
22 the security situation which would presumably allow me more access to technology to become better  
23 prepared.

24 But the preparation, as I said to you in opening, the preparation is only one part of this.  
25 Preparation will involve then my submission of those opinions to representatives who are legally  
26 trained who will communicate them to the court and that - I don't intend to be naked in this process  
27 from a legal point of view. So if I can't be represented, I can't participate.

28 JUDGE FOSTER: Yep. Well, I hear what you say about that. In terms of your day to day  
29 opportunity now to prepare, on your own, not with representation, but you as a former doctor and  
30 the medical knowledge you therefore have, you are able, are you not, to read the medical records  
31 and the other paperwork which I know has been sent to you and the other documents in preparation  
32 for not just module 1, but in due course the following modules on the systemic issues as well? What  
33 hindrance is there to you working on that material which I know has been sent to you by the  
34 solicitors to the inquest?

1 MR PATERSON: It's not been sent to me, it's been sent to the prison. I have nothing in my  
2 possession. I'm not allowed anything in my possession. The laptop upon which it is meant to have  
3 been uploaded, I haven't had access to for months, despite regular requests to the wing staff for that  
4 to be the case. I've been told there's no ability staffing wise for - staffing levels and regime wise for  
5 me to have access to it in a supervised capacity in a wing office. That's happened, I think, once or  
6 maybe twice since I actually had the laptop in my possession in the cell.

7 Now, during that time of three or four months where there wasn't a single incident, BCL  
8 have pointed this out to the prison and to your representatives, and during that time I have produced  
9 more than 200 pages of submissions on the ridiculously embarrassing evidence that your experts  
10 have provided to you. So I think my participation is important. I'm willing to participate. I think  
11 my participation is important because nobody has actually heard from me. All of the submissions I  
12 sent to James's little enquiry was - were ignored completely and I haven't really been heard.

13 I do think there's been a conflation between the current sentence I'm serving and what's  
14 happening in your court, and you've assumed guilt before innocence and that is - really that's a legal  
15 principle that we're all entitled to, is innocence until proven guilty, yet you seem to have decided  
16 that the first part has been proven, because you've already started collecting documents for the  
17 second part.

18 So regardless of that issue or the bias which I am - I have concerns about, I am prepared to  
19 be involved, but I need to be involved and protected and that protection clearly isn't going to come  
20 from your court or your solicitors, it needs to come from my representatives and if I'm going to be  
21 involved and I'm going to inform and involve expert opinion, I need funding for that and I need  
22 people to instruct them. I need an infrastructure that you have that I don't have. There's clearly a  
23 negligible - there isn't a level playing field here. It's all you and your apparatus against me with no  
24 access, no representation and no funding. That doesn't seem like a fair representation of the British  
25 legal system to me.

26 JUDGE FOSTER: Can I make it clear that I have no preconceived ideas as to the outcome of  
27 module 1. All that's happened so far is the doctors advising me have raised issues which give rise to  
28 an inquest being triggered, but no more and no less than that. Whether or not any or all of those  
29 deaths are what are called in the coronial law process an unnatural death is a matter for me to decide  
30 and I sit there to decide that and I am also the investigator and not just the tribunal. But can I be  
31 quite clear that the infrastructure which I have is an infrastructure to look after your interests as well  
32 as the interests of everybody else. My job is to investigate fully, fairly and fearlessly and I underline  
33 for these purposes the word fairly. That's fairly to you and fairly to all the other interested persons  
34 as well.

1 Mr Burrell, perhaps I could invite you to come in there. I think the first part of Mr  
2 Paterson's concerns about legal representation is really not a matter that you can deal with any more  
3 than I can deal with. What I am concerned about is his ability to look at the material which I know  
4 has been sent in electronic format, also to use the computer, the laptop, which I know has been  
5 provided through your staff for him to make sure he has access to that on a daily basis, because  
6 there's a lot of work to do between now and October, which he has a right to prepare for.

7 MR BURRELL: Yes. So initially Mr Paterson, as mentioned, did have the laptop in possession on  
8 his current wing that he resides. There was then discussion with our national policy leads in relation  
9 to access to electronic equipment and that was at the point when I went and spoke to Ian and that  
10 had to be removed just with some additional measures put in place.

11 The issue we've got currently with access on the current unit is that the unit that Ian resides  
12 on, the cell doors aren't locked on a daily basis - on an evening, so there's access for other prisoners  
13 to access each other. So after consulting with the national team, we do have other locations in the  
14 prison that would allow us to put that control in place, where Mr Paterson could be in a cell with a  
15 door every night and we could issue that laptop every night. That's what we would be willing to do  
16 to ensure that we balance the allowing Mr Paterson to access the evidence required and also the  
17 security measures of the prison. So we could put that in place.

18 The issue we have that Mr Paterson makes reference to in terms of regime, this is - we've  
19 currently got a number of staffing issues in the prison and then this is a task over and above that,  
20 whereas if we adopted this approach, it would not be staff intensive and we would be able to issue  
21 Mr Paterson every single evening and we can facilitate him with time - time out from his daily work  
22 in the prison should he require that, because he's been completing lengthy reviews of the documents  
23 that have been sent, but we - that's the position we are willing to take, that we will support ---

24 JUDGE FOSTER: Thank you.

25 MR BURRELL: --- (inaudible) in that respect.

26 JUDGE FOSTER: So when can that begin? Because obviously time is of the essence. Time is  
27 running out. When can that new regime begin?

28 MR BURRELL: So initially it would be - we would discuss it with Mr Paterson. If he's willing to  
29 move locations to facilitate that option and then we'd have to facilitate a wing move at that time. So  
30 I envisage that if that's agreed today, we could look at that and hopefully I would look at early next  
31 week we should be able to implement that.

32 JUDGE FOSTER: And if that was implemented, Mr Paterson then could have access to the  
33 computer with the electronic material anytime in the day time if he takes time out of his other  
34 opportunities to work, as well as, of course, in the evenings?

1 MR BURRELL: In the evenings, yeah. So if he - if Mr Paterson took the option to remain on the  
2 residential unit, it would be that he could be issued with that piece of equipment and then the door  
3 would be locked. It's just that sort of compromise between ensuring the security of the  
4 establishment and the equipment and offering Mr Paterson the ability to prepare accordingly.

5 JUDGE FOSTER: Yes. I mean ---

6 MR PATERSON: Can I ask a question?

7 JUDGE FOSTER: --- I think you've taken on board, Mr Burrell, this isn't sort of preparing for an  
8 appeal or a civil case, it's a little different to the usual regime in prisons for prisoners preparing for  
9 court hearings. It's perhaps unique.

10 Mr Paterson, you've heard that. If you agree to it, you can move to a different part of the  
11 prison, where you will have a locked cell and then you can take time out of your daily routine to  
12 work on the papers and you can also work on them in the evenings. I hope that gives you the  
13 comfort you need that you can prepare for these inquests ---

14 MR PATERSON: No, I think Mr Burrell is probably being slightly disingenuous. Are you talking  
15 about G and H Wing?

16 MR BURRELL: Yes, that's where it would be, yes.

17 MR PATERSON: There you go. You see, what he's talking about is a step back in progression. So  
18 what he's talking about is being transferred to a wing where the inmates are currently locked down  
19 for up to 23 hours per day, depending on regime and staffing levels. That is not something which I  
20 would be prepared to undertake for the sake of this process, particularly as I have the laptop in my  
21 cell for months after it was given to me by Mr Burgess (inaudible) and there wasn't a single  
22 incident.

23 And you will see I'm actually sitting here with a tablet in front of me. This has been in my  
24 possession for the past year as I've been finishing off my Open University degree and it's not - it  
25 doesn't have any memory. It couldn't be used for the type of thing that we're talking about, but it is  
26 an electronic device which I have had in my cell for nearly a year with no incident. So the fact that  
27 they - the prison's solution to this problem is reversing my progression through (inaudible) on a drug  
28 infested, death ridden, bang up regime for most of the day is, I'm afraid, not an acceptable solution.

29 JUDGE FOSTER: Well, Mr Burrell, can you deal with that - that concern? (Inaudible) - yes.

30 MR BURRELL: Yes. So in terms of the comments about reversing of progression, that is false, in  
31 my opinion. So every prisoner within HMP Wymott is categorised as a category C prisoner, so that  
32 would be whether they are on A Wing, B Wing or any of the wings that we have here. There would  
33 be more times of time behind the cell door - 23 hours a day is not the case. Mr Paterson, at the  
34 current time, they are still locked on to a landing with 13 other individuals, so they only have a small

1 area to walk around, whereas this - the wing that I am suggesting now has better facilities within the  
2 cells because the current location of Mr Paterson is on doesn't have in cell sanitation and that's the  
3 reason for the cells not being locked up at night time, whereas on the other wing, there is individual  
4 sanitation services available. So from a prison point of view, we would not see that as a reversing of  
5 progression as was stated and if Mr Paterson is due a categorisation review, that would not hinder  
6 that at all, being on the other wing.

7 JUDGE FOSTER: Yes.

8 MR PATERSON: The problem is that when you come to Wymott, you start in G and H Wing and  
9 you progress to A or B, which are the more open, residential wings, or to J Wing, and thereafter to  
10 an open prison. I think that the solution here actually lies in the acceleration of my progression to  
11 open conditions, because my category window opened several weeks ago and my (inaudible) always  
12 promised me that I would move to a D Cat prison nearer to my family the minute that was available.  
13 So I'm due recategorisation now, so I would suggest that that is the way forward.

14 JUDGE FOSTER: Very well. Mr Burrell, can you reassure Mr Paterson that this move to this other  
15 wing will in no way affect his application to move to open conditions?

16 MR BURRELL: Absolutely not, no. It's based completely on behaviour in custodial reports that  
17 we'll have. So if there's no negative behaviour reports or anything of that standard, then it would  
18 not impact one little bit in terms of progression.

19 JUDGE FOSTER: Very well. Very well. Well, can I perhaps wind this up and summarise it in this  
20 way, that where Mr Paterson is currently, the wing he's on at the moment, there are security  
21 concerns because of the ability of other prisoners to go in and out of his cell for him having the  
22 equipment to read this material, and the ---

23 MR BURRELL: Yes.

24 JUDGE FOSTER: --- suggestion by the prison is that he move to another wing which has a  
25 different facility of locked doors and that would enable him to work on his - on the laptop provided  
26 for him by my solicitors, both in the day time if he takes time out of his other activities and that  
27 facility would be offered to him, or in any event, in the evenings and he could have as much time as  
28 he wanted to work on the material.

29 The other concern of Mr Paterson about legal representation is, as I say, not what today's  
30 hearing is about. I hear what he says. I know that BCL, who are assisting him, are making  
31 applications. I do and I must remain neutral on that, but all I can do is use my best endeavours upon  
32 the assumption that he will not have legal representation to make sure that he has the opportunity to  
33 prepare for these inquests, and I'm satisfied from what I've heard that if he moves to this other wing  
34 which is offered to him, it will cause him no prejudice as regards his categorisation or future open

1 prison conditions, and that will allow the facility for him to access the material which has been  
2 provided for him as often as he needs to, in the evenings and also in the daytime if he takes time  
3 out of his other activities, and so I hope with that, I hope, accurate and fair summary, that we can  
4 perhaps conclude this hearing and I urge Mr Paterson to agree to that move.

5           And I'm satisfied that that would not cause him any prejudice and it seems to me that there's  
6 quite clearly the facility there for him to be able to prepare adequately for these inquests. And if  
7 what Mr Burrell said about if he consents he can move next week, and he will have those facilities.  
8 If that does not transpire, then obviously Mr Paterson can either directly or through BCL contact my  
9 solicitors to let me know it's not happened and why not. But otherwise, I hope that that would be a  
10 way forward. Well, thank you both very much indeed and I will conclude this hearing.

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