

IN THE BIRMINGHAM AND SOLIHULL CORONER'S COURT

HIS HONOUR RICHARD FOSTER

NOMINATED PURSUANT TO SCHEDULE 10 CJA 2009

**INQUESTS TOUCHING UPON THE DEATHS OF PATIENTS OF
MR IAN PATERSON FOR TREATMENT OF BREAST CANCER**

**PROVISIONAL VIEW UPON THE ISSUE OF
POTENTIAL BIAS BY MEDICAL EXPERTS**

1. I directed disclosure to Interested Persons (“IPs”) of certain emails between members of the Multi-Disciplinary Team (“MDT”) of medical experts which had come to my attention. Arising from these concerns have been raised regarding potential bias.
2. Following submissions from Counsel to the Inquests (“CTI”) I arranged for members of the MDT to answer questions addressing these concerns. These answers have also been disclosed to IPs. I also arranged for all members of the MDT to give evidence and be questioned on this issue as part of the initial generic stage of these Inquests. I am grateful to CTI and other counsel who have assisted in this process by asking relevant and incisive questions.
3. Chief Coroner’s Guidance No. 22 encourages Coroners to set out provisional views. Although this guidance is directed towards Pre-Inquest Review Hearings it seems to me that the guidance is equally applicable to issues such as this when they arise during the course of Inquest hearings. I therefore now provide my provisional view.
4. My provisional view, subject to representations, is that the members of the MDT have approached the cases which they have reviewed with independence and objectivity and have done so in accordance with their obligations as experts as set out in Part 35 of the Civil Procedure Rules.
5. I am conscious of the background against which these Inquests arise. In expressing this preliminary view I wish to make it clear to all IPs that I will have uppermost in my mind when assessing expert

evidence in the individual Inquests the potential for unconscious bias.

6. This is only my provisional view. I would like to hear submissions from Interested Persons which I will take into account before making a final decision.

HH RICHARD FOSTER
16th October 2024