

Rt Hon Alistair Carmichael  
Secretary of State for Scotland  
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Roger Livermore  
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2015 January 29

Dear Sir

**CASE FOR A PUBLIC INQUIRY ‘PATIENT SAFETY IN SCOTLAND’  
PUBLIC INQUIRIES ACT 2005**

The Scottish Government and the healthcare sector in Scotland have failed to implement the GB-wide legislation that would secure patient safety so far as is reasonably practicable. The consequences are a large number of avoidable deaths and other harm as well as wasted resources and costs.

I write requesting that a public inquiry is carried out into patient safety in Scotland under the Public Inquiries Act 2005. Whilst the provision of healthcare and social care are devolved matters, the legislation that covers the safety of patients is a reserved matter. The legislation that applies directly is the Health and Safety at Work etc Act 1974 (HSWA), the Human Rights Act 1998 (HRA), the Scotland Act 1998, and the Corporate Manslaughter and Corporate Homicide Act 2007.

I am a former regulator of health and social care and have acted as prosecutor using HSWA on behalf of the Crown. I also initiated and developed HSE policy in these sectors. **The Scottish Government’s decision-making process on patient safety is criminally negligent.** It does not know when the law applies or what it means. So it gets it wrong and a large number of avoidable deaths occur.

The consequences of not advancing a public inquiry is that a large number of avoidable deaths and other harm will continue to occur and with much wastage in resources, and needless costs. Scotland will operate outside UK and EU law, and Scottish ministers will be free to act in contravention of legal responsibilities and continue to permit the harm of people with impunity.

Please find **attached** an Executive Summary (6 pages) and the main report ‘Patient Safety in Scotland 2015’. If there are queries then please let me know and I will do what I can to assist.

Yours faithfully

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