

Update on MTW mortuary for Kent HOSC meeting on 2 March 2022

Background

David Fuller received two whole life prison sentences at Maidstone Crown Court on 15 December 2021 for the murders of Wendy Knell and Caroline Pierce in Tunbridge Wells in 1987. He also received a concurrent 12-year term for a number of other crimes, including sexual offences carried out in hospital mortuaries. These were committed while Fuller worked as an NHS maintenance supervisor at the Kent and Sussex Hospital and then as an employee of Interserve/Mitie at the new Tunbridge Wells Hospital.

Family and staff support

The Trust's priority has been to work with the Police and Victim Support to offer whatever help or assistance the families of Fuller's victims may need. We have put in place a substantial package of support and have been in contact with all the families and met with a number of relatives. The support we are offering to families is open-ended. We have also put a range of welfare measures in place to support staff who may have been impacted by Fuller's crimes and the trial.

Public comment

At the conclusion of the trial in November last year the Trust issued an apology to the families of Fuller's victims and a media statement (below).

Miles Scott, Trust Chief Executive, said: "I want to say on behalf of the Trust, how shocked and appalled I am by the criminal activity by David Fuller in our hospital mortuary that has been revealed in court this week.

And most importantly, I want to apologise to the families of those who've been the victims of these terrible crimes.

We've been working with a team of specialist Police Family Liaison Officers to offer these families whatever help or assistance they may need.

I am confident that our mortuary today is safe and secure. But I am determined to see if there are any lessons to be learned or systems to be improved.

Sir Jonathan Michael – a Fellow of the Royal College of Physicians – has been commissioned to independently chair an investigation into how this could have happened and to identify anything we could or should have done to avoid it.

Sir Jonathan has begun work on his investigation and once completed I'll be able to say more.

I will ensure that staff at our hospitals are supported as they also process this shocking news. Our mortuary team have been particularly distressed to learn about what has been revealed over the course of this trial.

My immediate priority, though, is to ensure the families of Fuller's victims are given the time, space and privacy to come to terms with what they've learned – and that they receive all the care and support they need."

Following the sentencing hearing on 15 December 2021 the Trust issued the following statement to the media.

Miles Scott, Chief Executive, said:

"Today in court we heard many deeply distressing accounts of the impact that David Fuller's crimes have had on the families of his victims. I would like to apologise once again for the hurt that has been caused to families as a result of these appalling crimes.

We have been in contact with the families affected in recent weeks and our priority continues to be to provide them with any help or assistance they may need for as long as they may need it.

As requested by the Secretary of State, we will work with the families and NHS Resolution to agree a compensation scheme without the pain and delay that may be caused by individual claim action.

We remain committed to complete openness and transparency around the criminal activities committed by Fuller, as we support Sir Jonathan Michael's investigation. We will make any further improvements recommended from the Independent Inquiry, and we have undertaken a risk assessment of our mortuary including assuring ourselves against existing Human Tissue Authority guidance."

While the Trust wants to make public as much as we can when we can there are two important considerations that limit what we can say at the present time. We have a duty to support Sir Jonathan Michael's independent inquiry and to allow him to publish his interim report before making any further public comment. Additionally, the Police investigation into Fuller is ongoing and we cannot do or say anything that may prejudice future legal proceedings."

Inquiry

In February 2021 the Trust commissioned an investigation into the mortuary offences, independently chaired by Sir Jonathan Michael. Sir Jonathan is a Fellow of the Royal College of Physicians and was an NHS chief executive for 20 years, leading three of the largest university hospital trusts in the country.

Following the trial in November 2021 the Secretary of State for Health and Social Care, Rt Hon Sajid Javid MP, announced that a non-statutory inquiry will replace the Trust commissioned investigation and will report directly to the Secretary of State. The inquiry continues to be led by Sir Jonathan. Phase one will focus on what happened in our hospital mortuaries and then determine any questions that arise for the NHS more widely and for other settings such as undertakers and non-NHS mortuaries. Phase two will address those broader national questions. The Trust has already shared all the material from our own internal inquiry with Sir Jonathan and we will continue to give his inquiry our full support and co-operation.

Sir Jonathan is seeking the views of the families affected by Fuller's crimes on the Terms of Reference which will be published once finalised.

The Inquiry will publish its initial report on the offences in the mortuaries this year and its final report, looking at the broader national picture and the wider lessons for the NHS and other settings in 2023.

In February 2022 solicitors acting for some of the affected families applied for a judicial review of the Secretary of State's decision to hold an independent inquiry. A decision on the application is pending.

Compensation scheme

The Trust is working with the victims' families and NHS Resolution to quickly establish a fair and proper process for compensation and to agree the compensation scheme.

NHS England mortuary review

In October 2021 NHS England asked all trusts with mortuaries or body stores to review their ways of working and security practices. The Trust has returned its submission to NHSE and is fully compliant with the guidance issued by NHSE.

Summary

The Trust has made it clear in discussions with families and the media that we intend to be completely open and transparent on Fuller's criminal activity. We have worked closely with Kent Police from the outset of their investigation and are now supporting the independent inquiry led by Sir Jonathan Michael and commissioned by the Secretary of State for Health & Social Care.

We will continue to provide support to victims' families and effected staff and offer help for as long as they may need it.