

**SHERIFFDOM OF SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY
AT DUMFRIES**

[2022] FAI 30

DUM-B89-22

DETERMINATION

BY

SHERIFF COLM P DEMPSEY

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC
(SCOTLAND) ACT 2016

into the death of

GRAHAM ROBERT SCOBIE

Dumfries, 7 July 2022

The Sheriff, having considered the information presented at an inquiry on 7 July 2022,
under section 26 of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland)
Act 2016 (“the Act”) finds and determines:

1. In terms of section 26(2)(a) of the Act that Graham Robert Scobie, who was
born on 15 March 1969, died on 11 April 2021 at 09.28 hours within the
Critical Care Unit of Dumfries and Galloway Royal Infirmary, Dumfries.
2. In terms of section 26(2)(c) of the Act that the cause of death was: 1(a) Septic
shock, 1(b) Sepsis secondary to cellulitis, 1(c) Severe skin psoriasis, and 2,
Diabetes mellitus type 2, high body mass index and liver steatosis.

NOTE

Introduction

[1] A fatal accident inquiry was held at Dumfries Sheriff Court on 7 July 2022 into the death of Graham Robert Scobie.

[2] Three parties were represented at the inquiry. Ms Doran, procurator fiscal depute, appeared for the Crown. Ms Miller, solicitor, appeared for the Scottish Prison Service and Mr Holmes, solicitor advocate, appeared for Dumfries and Galloway Health Board. It appears from diligent enquiries made by the Crown that Mr Scobie was estranged from his family. Intimation of the inquiry was made to Mr Scobie's brother who elected not to participate.

[3] For the purposes of the inquiry parties tendered a joint minute of agreement which covered all the necessary chapters of evidence which required to be placed before the court. Therefore, no parole evidence was presented. All parties invited me to make only formal findings in terms of sections 26(2) (a) and (c) of the Act.

The legal framework

[4] This inquiry was held under section 1 of the Act. It was a mandatory inquiry in terms of section 2(4)(a) of the Act as Mr Scobie was in legal custody at the time of his death.

[5] In terms of section 1(3) of the Act the purpose of an inquiry is to establish the circumstances of the death and to consider what steps, if any, may be taken to prevent other deaths in similar circumstances. Section 26 requires the sheriff to make a

determination which in terms of section 26(2), is to set out factors relevant to the circumstances of the death, in so far as they have been established to his satisfaction. These are (a) when and where the death occurred; (b) when and where any accident resulting in the death occurred; (c) the cause or causes of the death; (d) the cause or causes of any accident resulting in the death; (e) any precautions which could reasonably have been taken and if they had been taken might realistically have resulted in the death being avoided; (f) any defect in any system of working which contributed to the death or to the accident; and (g) any other facts which are relevant to the circumstances of the death. In terms of section 26(1)(b) and 26(4), the inquiry is to make such recommendations (if any) as the sheriff considers appropriate as to (a) the taking of reasonable precautions, (b) the making of improvements to any system of working, (c) the introduction of a system of working, and (d) the taking of any other steps, which might realistically prevent other deaths in similar circumstances. The procurator fiscal depute represents the public interest. An inquiry is an inquisitorial process and the manner in which evidence is presented is not restricted. The determination must be based on the evidence presented at the inquiry. It is not the purpose of an inquiry to establish criminal or civil liability.

Findings

[6] Mr Scobie was born on 15 March 1969.

[7] At the date of his death, Mr Scobie was a serving a sentence of imprisonment having been sentenced on 23 March 2020 at Kilmarnock Sheriff Court to a period of 26 months.

[8] Following the sentence being imposed Mr Scobie was imprisoned at Her Majesty's Prison Kilmarnock.

[9] Mr Scobie was transferred to Her Majesty's Prison Dumfries on 3 February 2021 and was assessed by nursing staff there.

[10] Mr Scobie suffered from diabetes mellitus type 2. He also suffered from severe psoriasis. The psoriasis caused multiple red patches and slipping on the skin and resulted in Mr Scobie being predisposed to the skin infection cellulitis.

[11] On 4 February 2021 blood samples were obtained from Mr Scobie by nursing staff in the prison. The samples were sent to Dumfries and Galloway Royal Infirmary for a medication screening. The blood tests requested included HbA1c (otherwise known as an average blood glucose levels test), full blood count test, urea and electrolytes test, thyroid function test and liver function test. Mr Scobie was referred to the community diabetic retinopathy service.

[12] An appointment was arranged for Mr Scobie to have a telephone consultation with Dr Sherine Tavadia, Consultant Dermatologist at University Hospital Crosshouse, Kilmarnock. This appointment was scheduled for 16 March 2021.

[13] Dr Tavadia was unable to make telephone contact with Mr Scobie at the prison on 16 March 2021.

[14] On 16 March 2021 Dr Tavadia wrote to the medical officer at Her Majesty's Prison Dumfries requesting that as Mr Scobie was now a prisoner in Dumfries, and out-with the health board jurisdiction of Crosshouse Hospital, that a follow-up appointment was required with the Dermatology Department in Dumfries. The purpose of the appointment was to ensure that Mr Scobie's treatment for his psoriasis continued.

[15] On 6 April 2021 Mr Scobie had a routine appointment with Staff Nurse Haggarty during which he complained of swelling in his groin, and it was noted that he had an infection. Mr Scobie was seen by his General Practitioner the following day and was prescribed oral antibiotics.

[16] On 8 April 2021, Staff Nurse Haggarty was advised by prison officers that Mr Scobie was feeling unwell. Staff Nurse Haggarty consulted with him in the satellite surgery. Mr Scobie stated that he had chest pains and was feeling unwell. An assessment was undertaken which revealed that Mr Scobie had high blood pressure and problems with his heart rate. Staff Nurse Haggarty considered that the symptoms could be a result of sepsis and determined that further assessment at hospital was necessary.

[17] At 15:40 a level 1 emergency was raised and arrangements were made for Mr Scobie to be transferred to Dumfries and Galloway Royal Infirmary by Scottish Prison Service Emergency Escort.

[18] Mr Scobie was admitted to the Accident and Emergency department at 17:01, he was examined by medical staff. He had a raised white blood cell count and a raised c-reactive protein count, both of which indicated a response to inflammation in the

body. Mr Scobie was diagnosed with an infection caused by inflammation cellulitis and he was admitted to the critical care unit where he was treated with intravenous antibiotics.

[19] As a consequence of the infection Mr Scobie developed sepsis and sadly his condition deteriorated over the following days which resulted in multi organ failure. His life was pronounced extinct on 11 April 2021 at 09:28 within the critical care unit at Dumfries and Galloway Royal Infirmary by Dr David Christie. The cause of death was noted as being 1(a) Septic shock, 1(b) Sepsis secondary to cellulitis, 1(c) Severe skin psoriasis, 2 Diabetes mellitus type 2, high body mass index and liver steatosis.

Conclusion

[20] Mr Scobie was a 52 year old man who suffered from a number of health conditions. He was given appropriate medical treatment during his time in custody. On 8 April 2021 Mr Scobie began to feel unwell. He was assessed by medical staff in the prison and a decision was made to transfer him to hospital. Sadly for Mr Scobie, despite the medical intervention and care he received, his condition continued to deteriorate until his death. Having considered the treatment provided to Mr Scobie at Her Majesty's Prison Dumfries and subsequently at Dumfries and Galloway Royal Infirmary, I am satisfied that Mr Scobie was well cared for throughout and there is nothing more which could have been done for him.

[21] Given the circumstances of Mr Scobie's death, I am satisfied, as submitted by all parties, that only findings in terms of paragraphs (a) and (c) of section 26(2) of the Act should be made in this case.

[22] Lastly I express my condolences, along with those of the parties who appeared at the inquiry, to the family and friends of Mr Scobie.