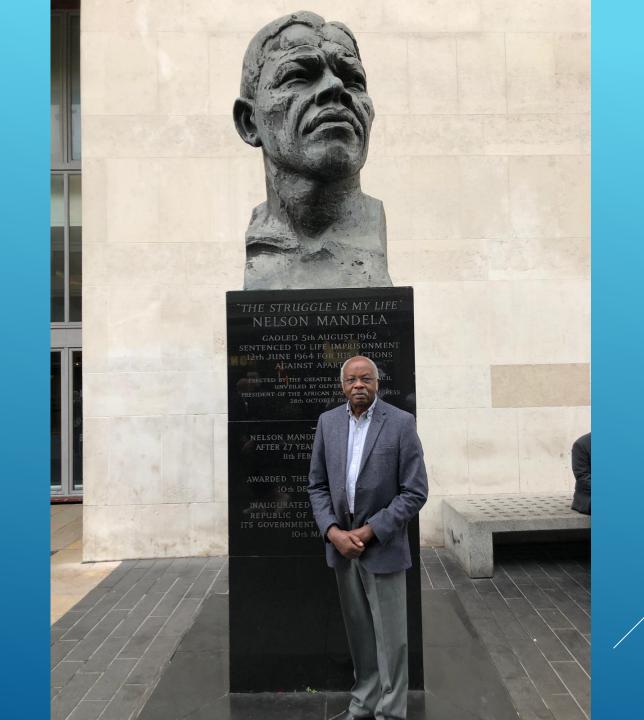
SURGERY AND THE LAW RCSEng - 2019

THE SURGEON, THE LAW AND PATIENT SAFETY A personal journey

DAVID SELLU MSc ChM FRCS
HON CONSULTANT SURGEON, ST. MARK'S HOSPITAL, LONDON



"Would the defendant stand up"





 Judge: "David Sellu for the offence of unlawfully killing Mr A you are sentenced to 2 ½ years imprisonment."

Belmarsh (Category A - maximum security)
 Prison





HOW DID IT FEEL?

- Mr A was a patient
- ▶ I intended no harm
- ▶ I violated Hippocratic oath
- > Primum non nocere
- Sorrow for him and family
- Hopelessness and despair 'He showed no emotion'

HOW DID IT FEEL?

"David Sellu for the offence of unlawfully **killing** Mr A you are sentenced to 2 ½ years imprisonment."

Serious crime

-Severe punishment – can result in death

REQUIREMENTS

- Preliminary and Court proceedings should be fair and faultless
- Jury should be well informed and knowledgeable
- ?
- Jury should be SURE of verdict
- ?

(Life-changing)

The Colour of Justice





Mr Sudanshu Garg - 2012



Dr Bala Kovvali - 2013



☐Mr David Sellu - 2013



Dr Hadiza Bawa Garba - 2015



Ms Isabel Amaro - 2015



Ms Honey Rose - 2016

INTRODUCTION AND BACKGROUND

- Qualified Manchester 1973 (46 years ago)
- Unblemished career
- Senior lecturer and then consultant colorectal surgeon until 2012
- Private practice at The Clementine Churchill Hospital
- Patient, 66 years, died of peritonitis after TKR February 2010

MULTIPLE JEOPARDY

- ▶ 1. Hospital investigation (into my role and that of others). Expert input. Hospital hid RCA
- 2. Referral to GMC summoned 12 times
- > 3. Coroner's inquest (suspicion of manslaughter) decisions haphazard
- ▶ 4. Police interviews (over 10 hours in 3 sessions)
- 5. Call to Harrow Police Station to be told of charges
- Manslaughter and perjury
- ▶ 6. Hendon Magistrates Court Official charges
- > 7. Preliminary hearing at Old Bailey and entering pleas
- > 8. Full trial 5 ½ weeks
- > 9. Verdicts and sentence
- **▶ 10. Trial by press**
- ▶ 11. MORE TO COME

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- 10. Trial by press
- 11. MORE TO COME

"My Lord, we do not understand the charge but we are SURE he is guilty of it"



TRIAL BY PRESS

Private surgeon who abandoned dying patient then LIED to inquest is found guilty of gross negligence manslaughter

- · David Sellu ignored concerns that James Hughes was in terrible pain
- Mr Hughes, a father-of-six, died after he had a tear in his bowel
- Sellu did not operate for 40 hours and didn't visit patient
- · Widow: 'Jim would have been better cared for if he'd collapsed in an alley'

PUBLISHED: 16:56, 5 November 2013 | UPDATED: 17:02, 5 November 2013















A senior doctor at a private hospital has been convicted of killing a patient.

Surgeon David Sellu, 66, was found guilty of gross negligence manslaughter over the death of father of six James Hughes, following a trial at the Old Bailey.

Mr Hughes, 66, died at the Clementine Churchill Hospital in Harrow, north-west London, on February 14, 2010.

TRIAL BY PRESS

UK: Deadly Black Doctor Allowed to Continue Practicing

Daily Stormer May 11, 2014

.....died in excruciating pain from a torn bowel, after a routine knee operation that was carried out by a Black doctor





- Welcome to LESC –Live, Eat, Sleep and Crap!
- > 5 steps x 3 steps
- Against European law



- Violent criminals
- Locked up 22 hours a day
- Against UN convention



- Racially abused and bullied: Black killer doctor
- > 3 prisons in 15 months
- Changed cells about 16 times
- ▶ Taken to A&E in handcuffs



- No books
- Visits from family
- > Encounters



FREEDOM AND SADNESS

- ►The appeal
- Decision by CPS not to retry
- No compensation
- No apology ? duty of candour
- Inquest not resumed
- Hospital failings still uncorrected



THE FINAL HURDLE – THE GMC

- Summoned 12 times in 8 years
- FTP 6-week trial
- Civil standard
- Fully cleared

GMC lost confidence of profession (Bawa Garba)

Accusations of racism

DEALINGS WITH MEDICAL BODIES

- Royal College of Surgeons of England
- > RCS Ed
- **BMA**
- Academy of Medical Royal Colleges Expert witnesses
- You **must** speak up for the profession and provide pastoral help

PROFESSOR SIR NORMAN WILLIAMS

Doctors 'too scared to save lives in case they are hauled to court': Top NHS adviser's warning after surgeon cleared

- Professor Sir Norman Williams said prosecutors are being more 'energetic'
- He warns the fear of police knocking on doctor's door is having chilling effect on patient care
- Follows case of David Sellu, surgeon who was locked up at 66-years-old after a patient died in his care
- Mr Sellu's manslaughter conviction was quashed this week by appeal

WHERE NOW AND WHAT WAY FORWARD?

- Me I did nothing wrong
- Excluded from practice for 6 years disproportionate
- My son
- My family



Investigation of Transcriptomics as a Predictor of Treatment Response to Methotrexate in Rheumatoid Arthritis

A Dissertation Submitted to The University of Manchester for the Degree of Master of Research in The Faculty of Medical and Human Sciences

Year of Submission: 2013 James Sellu 7258835 School of Medicine

SUMMARY AND LESSONS

- **▶ DOCTORS DO NOT WANT TO BE ABOVE THE LAW bad application**
- ► High risk specialties and high risk patients
- ▶It could be you
- ▶ Role of medical leaders and medical bodies
- ► Regulation of 'expert' witnesses AT LAST
- ► Racial inequality in Medicine
- ► Blame culture impacting on patient care
- **► Wasted learning opportunities**



FIND YOUR NEXT JOB INSIDE

Hancock's pension plea to doctors $p\ 85$

Visualising chronic pain p 100

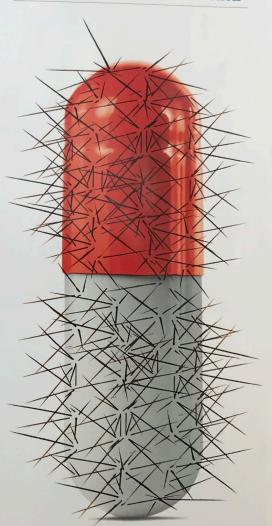
Food threat from nationalism $p\,109$

Giving feedback to trainees $p\,116$

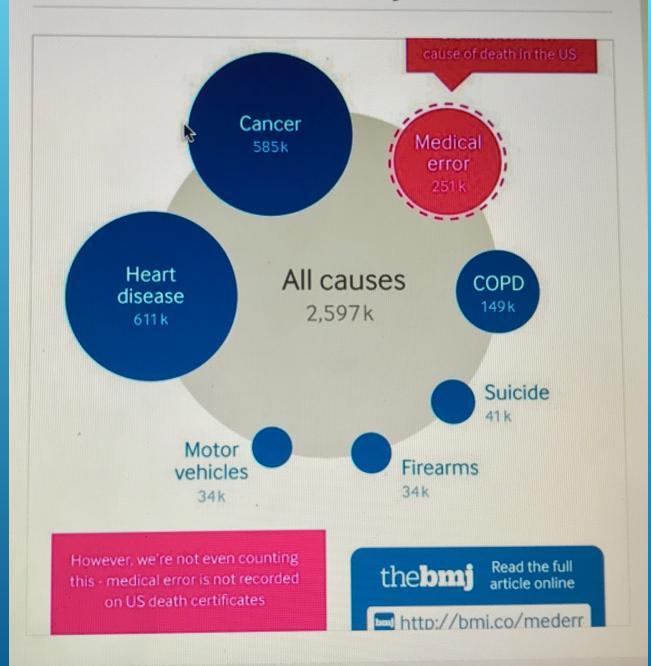
2 CPD hours in the education section

Preventable harm in healthcare

How often are patients affected?



Medical error-the third leading cause of death i...



AVIATION

Incidents often catastrophic

Aircrew also die

Collateral damage

Damage to aircraft

(\$500 m)





'Everything we know in aviation, every rule in the rule book, every procedure we have, we know because someone somewhere died ...'

Captain Chesley Sullenberger, 2009

THANKS TO:

- My wife and family
- Dr Jenny Vaughan and group of Friends
- My legal teams
- Medical Protection Society

