

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

**[2025] FAI 5**

DUM-B304-24

DETERMINATION

BY

SHERIFF DAVID YOUNG KC

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

into the deaths of

**GORDON PINKERTON**

and

**FRANCIS MOORE**

Hamilton, 3 January 2025

The Sheriff, having considered the information presented at an inquiry on 19 December 2024, under section 26 of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 (“the Act”) determines:

**When and where the deaths occurred**

[1] In terms of Section 26(2)(a) of the Act, that Gordon William Pinkerton, who was born 16 November 1944, died on 22 April 2020 at Dumfries and Galloway Royal

Infirmery, Cargenbridge, Dumfries. His life was formally pronounced extinct at 2234 hours.

[2] In terms of Section 26(2)(a) of the Act, the Crown that Francis Paul Moore, who was born on 22 October 1935, died on 27 February 2021 at Dumfries and Galloway Royal Infirmery, Cargenbridge, Dumfries. His life was formally pronounced extinct at 0755 hours.

#### **When and where any accidents resulting in the deaths occurred**

[3] In terms of Section 26(2)(b) of the Act, that there was no accident that resulted in either death.

#### **The cause or causes of the deaths**

[4] In terms of section 26(2)(c) of the Act, that the cause of Gordon William Pinkerton's death was: I(a). Coronavirus Disease 2019; II. Probable Chronic Obstructive Pulmonary Disease.

[5] In terms of section 26(2)(c) of the Act, that the cause of Francis Paul Moore's death was: I(a) COVID-19 Disease with Viral Pneumonia; II Arterial Hypertension

#### **The cause or causes of any accidents resulting in the deaths**

[6] In terms of section 26(2)(d) of the Act, that there was no accident that resulted in either death.

**Precautions**

[7] In terms of section 26(2)(e) of the Act, there were no precautions which (i) could reasonably have been taken and (ii) had they been taken might realistically have resulted in either death being avoided. There was no accident that resulted in either death.

**System of working**

[8] In terms of section 26(2)(f), there were no defects in any system of working which contributed to either death. There was no accident that resulted in either death.

**Other facts relevant to the circumstances of the deaths**

[9] In terms of section 26(2)(g), there are no other facts which are relevant to the circumstances of either death.

**NOTE****Introduction**

[10] A fatal accident inquiry was held at Dumfries Sheriff Court on 19 December 2024 into the deaths of Gordon Pinkerton and Francis Moore.

[11] Three parties were represented at the inquiry. Mr Gibson, procurator fiscal depute, appeared for the Crown. Ms McDonald, solicitor, appeared for the Scottish Prison Service and Ms Powell, solicitor, appeared for Dumfries and Galloway Health Board. Members of both families had been advised of the inquiry and the opportunity

to view remotely was available. In the event, there were no remote viewers at the inquiry, but the procurator fiscal depute advised that he had been in contact with both families, and would do so again to ensure that they were kept advised about the proceedings.

[12] 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 substantive determinations in respect of sections 26(2)(a) and (c) only.

### **The Legal Framework**

[13] 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 both Mr Pinkerton and Mr Moore were in legal custody at the time of their death.

[14] 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**

### *Overview*

[15] Mr Pinkerton was born on 16 November 1944. He was in legal custody at HMP Dumfries, Terregles Street, Dumfries, DG2 9AX (hereinafter 'HMP Dumfries') under transfer to Dumfries and Galloway Royal Infirmary, Cargenbridge, Dumfries, DG2 8RX (hereinafter 'DGRI') when he died on 22 April 2020, aged 75 years old.

[16] Mr Moore was born on 22 October 1935. He was in legal custody at HMP Dumfries under transfer to DGRI when he died on 27 February 2021, aged 85 years old.

**Provision of Healthcare in Scottish Prisons**

[17] On 1 November 2011, responsibility for the provision of healthcare to prisoners was transferred from the Scottish Prison Service to the National Health Service (under the Health Board Provision of Healthcare in Prisons (Scotland) Directions 2011). Since then each individual regional NHS health board has been responsible for the delivery of healthcare services within prisons in Scotland which fall within their geographical ambit for the provision of medical care.

**DIPLAR**

[18] A Death in Prison Learning, Audit, and Review ('DIPLAR') is a process for reviewing deaths in custody. This type of review is completed after the death of any person in prison custody in Scotland and provides a system for the Scottish Prison Service (or private prison operator) and the applicable NHS Board to record any learning and identify actions following a death.

**Mr Pinkerton – Imprisonment**

[19] On 11 April 2013 at the High Court of Justiciary at Aberdeen Mr Pinkerton was convicted of multiple sexual offences and remanded in custody. On 9 May 2013 he was sentenced to a total of 15 years imprisonment, plus an extension period of 3 years in terms of section 210A of the Criminal Procedure (Scotland) Act 1995. His earliest date of liberation was 11 April 2023. At the time of his death, Mr Pinkerton was an inmate of HMP Dumfries. He ordinarily resided within single-occupancy cell B2-12.

**Mr Pinkerton – Medical care and treatment**

[20] Mr Pinkerton, although a heavy smoker, did not have any health concerns or conditions, was not on any medication and was independently mobile. NHS staff within the prison setting managed Mr Pinkerton's care over his time in custody.

[21] On 15 April 2020, prison officer Robert Adams noted that Mr Pinkerton had taken unwell. Mr Pinkerton complained of feeling achy and sore. Mr Adams sought an assessment by a prison nurse. Mr Pinkerton was attended to by Staff Nurse Vicky Wright who took his observations and a nasal and throat swab for testing. Mr Pinkerton was subsequently transferred to the prison's designated COVID-19 Hall (EHall) where he was isolated in a cell and monitored by prison officers.

[22] On 16 April 2020, Mr Pinkerton was assessed by Staff Nurse Vicky Wright in the morning and then again by Staff Nurse Ross Haggerty around lunchtime. His condition appeared to be deteriorating. Upon seeking advice from the on-call General Practitioner at DGRI, Dr Pritpal Buttar, the prison medical team contacted ambulance services via 999 and Mr Pinkerton was conveyed to DGRI. His COVID-19 test returned a positive result whilst he was awaiting the ambulance. Upon arrival at DGRI, Mr Pinkerton was admitted to the hospital's COVID-19 Ward (Ward D7) where he was monitored and received treatment.

[23] On 17 April 2020, Mr Pinkerton was assessed by Dr Aliah Batey who noted a high temperature and low oxygen saturation. Mr Pinkerton was diagnosed with COVID-19 Pneumonia. Throughout the day, Mr Pinkerton consistently refused

treatment, including preventative injections to thin his blood. He was on three litres of oxygen and told doctors he did not wish to be escalated to the hospital's Critical Care Unit or be resuscitated. Due to Mr Pinkerton's wishes, a DNACPR (Do not attempt cardiopulmonary resuscitation) instruction was put in place at 2000 hours.

[24] On 18 and 19 April 2020, Mr Pinkerton was reviewed at regular intervals and noted to be stable. Saturation levels were normal on both days, although they did dip whenever he removed his oxygen mask, and co-codamol was given for his temperature.

[25] On 20 April 2020, Mr Pinkerton's oxygen requirements had increased, and a scan was ordered on his lungs.

[26] On 21 April 2020, Mr Pinkerton's scan results revealed possible blood clots on both lungs, as well as Emphysema and COVID-19 Pneumonia. He was assessed by Dr Catherine Rossiter and she noted there to be a significant increase in his oxygen requirements. Mr Pinkerton agreed to trial a CPAP (Continuous Positive Airways Pressure) Mask but did not tolerate it. Mr Pinkerton then agreed to have blood thinning injections to his stomach and antibiotics through IV, though still declined to go to the Critical Care Unit. Mr Pinkerton was struggling to breathe and initially declined medication, such as morphine, to help with his symptoms and distress, but eventually agreed to comfort care via palliative driver as he continued to deteriorate.

### **Mr Pinkerton – Death**

[27] At 1920 hours on 22 April 2020, Mr Pinkerton had stopped breathing, and his life was pronounced extinct at 2234 hours by Dr James Povey. No post-mortem examination



was conducted on Mr Pinkerton's body. A death certificate was issued upon instructions by Dr Rossiter. Dr Alia Bhatti certified the death and cause of death was attributed to:

I(a). Coronavirus Disease 2019

II. Probable Chronic Obstructive Pulmonary Disease

[28] A DIPLAR meeting was held on 27 May 2020. None of the learning points and actions outlined in the DIPLAR report are directly relevant to the circumstances of Mr Pinkerton's death.

### **Mr Moore – Imprisonment**

[29] On 14 March 2018 at the High Court of Justiciary at Glasgow Mr Moore was convicted of multiple sexual offences and remanded in custody. On 11 April 2018 he was sentenced *in cumulo* to a period of 9 years imprisonment. The sentence was reduced to 8 years on appeal on 6 December 2018. His earliest date of liberation was 12 September 2025. He had been in HMP Dumfries since 31 July 2018. He ordinarily resided within single-occupancy cell B1-16.

### **Mr Moore – Medical care and treatment**

[30] Mr Moore suffered from hypertensive disease, ischaemic heart disease, and a dermatological condition. Whilst in custody at HMP Dumfries he was treated with the use of medication and a catheter. NHS staff within the prison setting managed Mr Moore's care over his time in custody.

[31] On 6 February 2021, a COVID-19 outbreak was declared at HMP Dumfries due to 10 staff and one prisoner having tested positive for the virus.

[32] On 8 February 2021, all residents within Block B1, where Mr Moore was situated, were placed on close contact isolation and mass tested with the use of Lateral Flow Testing. Mr Moore tested negative but remained isolated in his cell.

[33] On 12 February 2021, all prisoners in Block B1 were tested again using polymerase chain reaction ('PCR') tests, including Mr Moore.

[34] On 13 February 2021, Mr Moore's PCR Test returned a positive result, although he was asymptomatic and appeared in good health. Mr Moore remained in isolation and was monitored by SPS and NHS staff at HMP Dumfries.

[35] On 20 February 2021, prison officer Allan Todd was on duty within Block B1 of HMP Dumfries from 0700 hours. He was monitoring 16 prisoners, six of whom had tested positive for COVID-19 (including Mr Moore). He first spoke to Mr Moore at approximately 0705 hours. As the day progressed, he noted that Mr Moore began to appear unwell, confused and to be suffering from hallucinations. Mr Todd sought an assessment by a prison nurse at approximately 1400 hours. Staff Nurse Vicky Wright attended to assess Mr Moore immediately thereafter. She took Mr Moore's observations and found his oxygen saturation levels to be low. An oxygen mask was applied and an ambulance called.

[36] At approximately 1500 hours on 20 February 2021, Mr Moore was conveyed to DGRI, Ward B2 under the care of Dr Stephanie McNair and others. A DNACPR instruction was put in place owing to his frailty. Mr Moore's oxygen needs were noted

to be high. He was placed on high nasal flow oxygen and treated with dexamethasone steroids and antibiotics. Due to Mr Moore's age, he was deemed unsuitable for transfer to the High Dependency Unit. High nasal flow oxygen would remain the height of his care and further procedures were deemed too invasive and unlikely to work.

[37] On 26 February 2021, Mr Moore was noted to be exhausted and not coping with treatment. Mr Moore's respiratory rate had increased, he was tiring and was not maintaining oxygen saturations. At this point, doctors treating Mr Moore decided to prioritise his comfort. At 1600 hours, Mr Moore was placed on a syringe driver containing Medazolam for agitation and Morphine for pain and restlessness.

Dr McNair noted him to present as agitated overnight.

### **Mr Moore – Death**

[38] On 27 February 2021 at 0755 hours, Mr Moore's life was pronounced extinct by Dr Sin Kwan Crya Lee. A 'view and grant' external post-mortem examination was carried out by Dr Jarmila Lastikova, Consultant Pathologist, on 10 March 2021 within the mortuary at DGRI. Dr Lastikova certified Mr Moore's cause of death as:

I(a) COVID-19 Disease with Viral Pneumonia

II Arterial Hypertension

[39] A DIPLAR meeting was held on 7 May 2021. None of the learning points and actions identified in the DIPLAR report are directly relevant to the circumstances of Mr Moore's death.

**Management of COVID-19 in HMP Dumfries April 2020 COVID-19 outbreak**

[40] Between 25 March 2020 and 30 March 2020, four prisoners within HMP Dumfries tested positive for COVID-19. This outbreak prompted an 'Outbreak Control' multiagency meeting to take place on 2 April 2020 involving representatives from HMP Dumfries and NHS Dumfries & Galloway. The positive cases were spread across three of the prison's five residential halls – two in A-Hall, one in B-Hall, and one in C-Hall. Links were established between the positive cases leading to the conclusion that cross transmission had occurred. Prisoner movement was restricted in the affected residential halls and prisoners were isolated in their cells. E-Hall was redesignated for the housing of COVID-positive prisoners. Additional control measures to minimise the risk of transmission were identified and implemented, including the cohorting of staff and an enhanced cleaning regime. NHS Dumfries and Galloway's Health Protection Team were in regular contact with SPS and NHS staff within HMP Dumfries to provide support and advice throughout the outbreak.

[41] An 'Incident Management Team' ('IMT') multi-agency meeting was held on 9 April 2020, chaired by NHS Dumfries and Galloway Consultant in Public Health Dr Nigel Calvert and involving representatives from HMP Dumfries and NHS Dumfries & Galloway. By this date, one further prisoner and two staff members had tested positive for COVID-19. Three further prisoners were being isolated as suspected cases. The meeting resolved that the outbreak could be categorised as low risk, although it was emphasised that heightened awareness should be maintained. It was resolved that no further meetings would be required.

[42] In total, there were six confirmed and four suspected COVID-19 cases amongst prisoners at HMP Dumfries in March and April 2020, the last of these being Mr Pinkerton. At the time, HMP Dumfries housed 195 prisoners in total. This represents an infection rate of 5.1% of prisoners (including suspected cases).

### **February 2021 COVID-19 outbreak**

[43] In February 2021, there was a high community prevalence of COVID-19 across Dumfries and Galloway.

[44] Between 27 January 2021 and 2 February 2021, four members of staff within HMP Dumfries tested positive for COVID-19. This prompted a 'Problem Assessment Group' ('PAG') multi-agency meeting to be convened on 2 February 2021. This meeting was chaired by NHS Dumfries and Galloway Consultant in Public Health Dr Andrew Rideout and involved representatives from HMP Dumfries and NHS Dumfries & Galloway. A PAG meeting is the initial response to public health incidents and the purpose is to conduct an initial assessment of the situation to determine whether an Incident Management Team (IMT) is required. At this PAG meeting, it was noted that infection prevention and control measures were in place at HMP Dumfries; that the four COVID-positive staff members worked in different areas of HMP Dumfries; that there were 185 prisoners, 160 SPS staff and 10 NHS staff at HMP Dumfries; that there were no prisoners suspected of or confirmed as having COVID-19; and that although routine asymptomatic testing was not in place, any prisoner displaying symptoms would be

tested. The PAG resolved that no further meeting would be required unless further positive cases were identified.

[45] Between 2 February 2021 and 5 February 2021, a further six HMP Dumfries staff and one prisoner tested positive for COVID-19. A further PAG multi-agency meeting was convened on 6 February 2021. This meeting was chaired by NHS Dumfries and Galloway Consultant in Public Health Dr Andrew Rideout and involved representatives from HMP Dumfries, NHS Dumfries & Galloway and Public Health Scotland. At this PAG meeting, it was noted that infection prevention and control measures were in place at HMP Dumfries; that in-person visitation was suspended; that all prisoner work duties were suspended apart from laundry, cooking and cleaning duties; that prisoner recreation was cohorted within smaller 'households'; and that a deep clean of the entire prison was scheduled to take place over the next two days. It was concluded that no firm links between the cases could be identified, but that it was possible cross transmission had occurred within the prison. Dr Rideout noted concerns about asymptomatic transmission and the meeting resolved that mass testing would take place and that monitoring of the situation would progress to an IMT.

[46] On 6 February 2021 and 7 February 2021, a further two staff members and four prisoners tested positive for COVID-19. An IMT multi-agency meeting was held on 7 February 2021, chaired by NHS Dumfries and Galloway Health Protection Nurse Consultant Andrea Whelan and involving representatives from HMP Dumfries, NHS Dumfries & Galloway, Public Health Scotland and the Scottish Government. At this IMT meeting, it was noted that infection prevention and control measures were in place

at HMP Dumfries; there may have been environmental transmission in an office space used by COVID-positive staff; CCTV had been reviewed and no failures of staff to socially distance or use PPE correctly had been identified; and that four of the five COVID-positive prisoners were asymptomatic. The meeting resolved that NHS Dumfries and Galloway's Infection Control Team would be tasked with attending the prison on 8 February 2021 to conduct a risk assessment and provide support in relation to infection control practices and cleaning processes.

[47] On 8 February 2021 and 9 February 2021, a further three staff members and six prisoners tested positive for COVID-19. This took the total number of positive cases to 26, comprising 15 staff and 11 prisoners, by the end of 9 February 2021.

[48] An IMT multi-agency meeting was held on 9 February 2021, chaired by NHS Dumfries and Galloway Consultant in Public Health Dr Andrew Rideout and involving representatives from HMP Dumfries, NHS Dumfries & Galloway, Public Health Scotland, Dumfries and Galloway Council and the Scottish Government. At this IMT meeting, it was noted that five of the COVID-positive prisoners had conducted work duties across various areas of the prison prior to their positive tests; that particular care was being taken to protect elderly prisoners; that prisoners not in isolation because they are COVID-positive, symptomatic or a close contact are permitted to mix within their 'households'; that footfall within HMP Dumfries was being restricted; and that the vaccination programme had not yet commenced. The meeting resolved that prisoner isolation should be for 14 days, not 10 days; that prisoners with work duties would be offered PCR testing in an attempt to identify asymptomatic cases; and that vaccinations

would be ordered via NHS Dumfries & Galloway's Vaccination team with a view to commencing the vaccination programme within HMP Dumfries. The IMT's assessment was that the situation was to be categorised as high risk.

[49] On 10 February 2021 and 11 February 2021, a further four staff members and 11 prisoners tested positive for COVID-19. This took the total number of positive cases to 41, comprising 19 staff and 22 prisoners, by the end of 11 February 2021.

[50] An IMT multi-agency meeting was held on 11 February 2021, chaired by NHS Dumfries and Galloway Consultant in Public Health Dr Andrew Rideout and involving representatives from HMP Dumfries, NHS Dumfries & Galloway, Public Health Scotland, Dumfries and Galloway Council and the Scottish Government. At this IMT meeting, it was noted that it was not possible to cohort all COVID-positive prisoners in E-Hall with the facilities and capacity available; there had been mass testing of staff on 9 and 10 February 2021 which produced four positive results from 63 results received at the time of the meeting; that staff were struggling to understand the concept of close contacts; and that, following review by NHS Dumfries & Galloway microbiologist Martin Connor, some of the cleaning products being used were considered to be inadequate. The meeting resolved that NHS Dumfries & Galloway Health Protection Team would attend HMP Dumfries to view the layout, observe infection prevention and control practices and provide support and advice. It was also resolved that NHS Dumfries & Galloway would provide HMP Dumfries with additional cleaning materials. The IMT's assessment continued to be that the situation was to be categorised as high risk.



[51] On 12 February 2021, NHS Dumfries & Galloway Health Protection Nurses Justine McCuaig and Lynn Wilson attended HMP Dumfries. They noted significant environmental challenges to managing the risk of infection spread, including the fabric of the buildings, small spaces, shared facilities, narrow travel routes and poor ventilation. They noted many areas of good practice and commended HMP Dumfries staff for their efforts in reducing the risk of infection in what they noted to be a very difficult situation. They also commended the caring nature of HMP Dumfries staff towards inmates and the cleanliness of the setting. They made various recommendations, including prompt commencement of the vaccination programme; reduction of staff numbers permitted in certain small office areas; changes to the storage of personal protective equipment; additional decontamination of shared equipment; and the removal of fans to improve ventilation.

[52] On 13 February 2021, a further five prisoners – including Mr Moore – tested positive for COVID-19.

[53] An IMT multi-agency meeting was held on 15 February 2021, chaired by NHS Dumfries and Galloway Consultant in Public Health Dr Andrew Rideout and involving representatives from HMP Dumfries, NHS Dumfries & Galloway, Public Health Scotland, Dumfries and Galloway Council and the Scottish Government. At this IMT meeting, it was noted that case numbers amongst staff and prisoners continued to slowly rise and that prisoners were being monitored and their care escalated to DGRI when appropriate. Discussions were held regarding the vaccination programme and the aforementioned Health Protection Team visit on 12 February 2021. The meeting noted

that the vaccination programme was scheduled to begin by 19 February 2021. The IMT's assessment continued to be that the situation was to be categorised as high risk.

[54] The vaccination programme at HMP Dumfries commenced on 17 February 2021.

Mr Moore was not vaccinated as he had already tested positive for COVID-19 by this time and those with a current positive diagnosis were not eligible for the vaccination.

[55] The multi-agency IMT continued to monitor and manage the outbreak. Further IMT meetings were held on 18 February 2021, 22 February 2021, 25 February 2021, 1 March 2021, 4 March 2021, 8 March 2021, 11 March 2021, 18 March 2021, and 24 March 2021. These meetings were chaired by NHS Dumfries and Galloway Consultants in Public Health Dr Andrew Rideout and Dr Nigel Calvert and involved representatives from HMP Dumfries, NHS Dumfries & Galloway, Public Health Scotland, Dumfries and Galloway Council, the Scottish Government and the Police Service of Scotland. The meetings monitored, *inter alia*, staffing levels, the vaccination programme, and the ongoing testing arrangements, and discussed, *inter alia*, isolation requirements, prisoner movement, and the recovery plan to reintroduce activity restricted during the outbreak.

[56] NHS Dumfries & Galloway's Test and Protect Team monitored total case numbers and relayed this information to the IMT meetings. The last positive case was that of a prisoner on 8 March 2021. On 8 March 2021, the IMT reduced their assessment of risk level from high to moderate. On 18 March 2021, the IMT reduced their assessment of risk level from moderate to low. On 24 March 2021, the IMT resolved that the outbreak appeared to be over and that no further meetings would be required.

[57] In total, 36 prisoners and 35 prison staff tested positive for COVID-19 during the February-March 2021 outbreak. A further six prisoners were noted to be symptomatic and isolated as suspected cases, notwithstanding that they did not test positive (Crown Production Number 14). This represents an infection rate of 22.7% of prisoners (including suspected cases) and 21.9% of staff.

### **Conclusion**

[58] Mr Pinkerton and Mr Moore were 75 and 85 years old respectively at the time of their deaths. Each became infected with Covid-19 during a nationwide outbreak, and succumbed to this disease despite prompt transfer to hospital and treatment there.

[59] Having considered: the context of the pandemic and the developing understanding of the transmission of the disease and the appropriate responses required within the prison setting; the steps taken to assess and control spread of the disease in the prison; the steps taken to assess the state of health of each man; and their care and treatment in HMP Dumfries and later in hospital, I am satisfied that appropriate care and treatment was provided to each throughout.

[60] Given the circumstances of both Mr Pinkerton and Mr Moore's death, I am satisfied, as submitted by all parties, that substantive determinations are appropriate only in respect of paragraphs (a) and (c) of section 26(2) of the Act.

[61] Lastly, I add my own condolences to those of each of the parties who appeared at the inquiry, to family, friends or others who have been affected by the deaths of Mr Pinkerton and Mr Moore.