



HOUSE OF COMMONS

LONDON SW1A 0AA

The Rt Hon Lady Justice Thirlwall  
Chair  
Thirlwall Inquiry

By email only: [contact@thirlwallinquiry.co.uk](mailto:contact@thirlwallinquiry.co.uk)

28 February 2025

Dear Lady Justice Thirlwall

I am writing to request that your inquiry into the events of 2015-16 at the Countess of Chester Hospital be paused given the serious questions now being raised over the safety of Lucy Letby's conviction in August 2023.

The terms of reference for your Inquiry were agreed in November 2023, immediately after Lucy Letby's conviction for what appeared to be horrific crimes targeted against some of the most vulnerable in our society.

However, since then, unprecedented focus has been brought on the evidence used to convict her. Questions have been raised by a multitude of experts, who are recognised as leading practitioners in their respective fields, as to the safety of her conviction.

I wrote to you on 29 August 2024 to express my reservations about the Inquiry continuing with the terms of reference as agreed. My explicit ask in the letter was that the terms of reference be broadened so as to not depend on the presumption that Ms Letby's conviction was safe.

In a response on 2 September 2024, Tim Suter, the solicitor to your Inquiry, dismissed that request.

Since my initial request, the doubt over Ms Letby's culpability in the deaths at the Countess of Chester Hospital has only grown. As, too, has the evidence supporting that doubt.

At the start of this year, an International Expert Panel, convened by Dr Shoo Lee, outlined their findings after reviewing the evidence in Ms Letby's case, including the medical notes of the deceased babies. The panel concluded that Ms Letby did not murder any of the babies, stating that "*in all cases death or injury were due to natural causes or just bad medical care*".



The prosecution relied on Dr Lee's evidence in Ms Letby's original trial, referencing a paper he wrote in 1989; according to Dr Lee, this evidence was misrepresented. Aside from Dr Lee, his International Expert Panel included leading neonatologists and paediatric specialists from around the world. Their combined experience far exceeds the experience of the experts relied on during Ms Letby's original trial.

They are by no means the only experts now questioning both the evidence used during the trial and Ms Letby's guilt. Leading neonatologists here in the UK have also reviewed the medical notes for two of the babies and have found that either natural causes or errors from the treating clinicians are likely to be alternative causes of the tragic deaths.

We also now know that several alternate explanations for the deaths were not put to the jury, including that the neonatal unit was simply not up to caring for these fragile children, in terms of either resource or skill. This shortcoming might have been compounded by other factors such as a Pseudomonas infection the Hospital was battling at the time. The Royal College of Paediatrics and Child Health's report from November 2016, which was not presented to the jury, makes very plain those concerns.

Given the weight of evidence now questioning the narrative presented to the jury in the original trial, an application has been made to the Criminal Cases Review Commission to refer Ms Letby's conviction back to the Court of Appeal.

Your Inquiry was tasked with looking at the conduct of the Countess of Chester hospital staff and management specifically regarding their approach to concerns about Ms Letby, and the effectiveness of NHS governance and culture in keeping hospitalised babies safe.

Should the Criminal Cases Review Commission refer the case back to the Court of Appeal and Ms Letby's conviction is later found to be unsafe, your Inquiry's report and recommendations - whatever they may be - would be based on a false premise.

It will mean the alternative hypotheses will not have been given due consideration by your Inquiry, and the issues in the provision of healthcare and governance at the Countess of Chester, which may be the true cause of the deaths of the babies, will have gone unaddressed. It will be a missed opportunity to correct and learn from these issues to prevent similar tragedies from being repeated in the future.

This, in turn, may result in failures in neonatal units up and down the country being allowed to continue unchecked and result in further baby deaths. These failures are something that, in any event, are becoming more and more apparent.



Put simply, an inquiry predicated on the presumption that Lucy Letby's conviction is safe, when there is now a wealth of authoritative voices questioning that conviction, will only undermine the conclusions arrived at by your Inquiry and potentially lead to more babies dying unnecessarily.

I therefore request that, considering the extensive new evidence available, your Inquiry be paused until Ms Letby's avenues of appeal have been fully exhausted and the new evidence has been allowed to be properly tested before a court.

Yours sincerely,

A handwritten signature in black ink that reads "David Davis". The signature is written in a cursive style with a large, sweeping initial 'D'.

Rt. Hon. Sir David Davis KCB MP